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WCBA Newsletter

Washington County Bar Association
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President's Note

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



If you weren't at last month's CLE and dinner, you missed a busy and informative evening, but fortunately a summary of some of the important details follow. We were joined at dinner by State Representative Tobias Read, who got to hear first-hand about the court's efforts to find ways to function more efficiently in the face of fewer financial resources.

February CLE and Dinner Guests

This month we have a great lineup for our members. We are pleased to have the Washington County District Attorney Robert Hermann, Sr. DDA Jeff Lesowski and DDA Kate Glasson as our CLE presenters. The topic is "Criminal Cases from the DA's Perspective." Even if you do not practice criminal law, this should be very interesting presentation.

As for our dinner guests, it's that time of year when the judges from the Oregon Court of Appeals kindly accepted our invitation to join us for dinner. We look forward to having them as our guests.

Dinner Raffle and Prizes

For a moment there I thought that John Tyner was going to be a three-time winner of the raffle! I don't know exactly what happened there, but the next number I called belonged to Judge Raines. Of course he said he could not accept and kindly donated his ticket to State Representative Read, and we hope he uses it!



Back row, Heidi Thompson, Judge Raines, Joel Geelan, middle row, Erin Fitzgerald, Alan Wood, Katie Smith, Damon Henry, Front row, Diane Cady, Edward Fu and Laura Burgee

Upcoming Events/CLEs

February 13: Criminal Cases from the DA's Perspective
Dinner Guests: Oregon Court of Appeals
March 13: Search and Seizure
Dinner Guests: Oregon Supreme Court
April 10: E-Discovery
May 8: Probate
June 12: Annual Picnic & Spring Meeting

Circuit Court Furlough Filing Volunteers

As we all know by now, budget cuts have forced the courthouses and state offices to be closed on designated days. Thanks to Judge Raines and volunteers in our community, some necessary work continues even on furlough days. On January 18, volunteers came out with Judge Raines to help with a backlog of filing at the Washington County Courthouse. Volunteering is an opportunity for us to pull together, meet new people, learn something about what it takes to keep the wheels of justice moving and then to have a lovely lunch with Judge Raines afterward.

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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.

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Professionalism Award

Our last meeting of the 2012-13 year is in June, when we present the Professionalism Award to a Washington County practitioner who has contributed to improving our profession and contributed to the legal community in a meaningful way. Now is the time to start thinking about nominations. If you would like to nominate someone, please let me know in writing and describe why you believe that person should receive the award.

Civic Needs and Opportunities

If you know of a need in our community for volunteers please contact us at the Washington County Bar Association at wcba.association@frontier.com or in writing to any board member or any member of the Bench Bar Committee. See our website for contact information <http://www.wcbabar.org>.

*Sincerely,
Kathy Proctor*

In Memoriam

by Kathy Proctor

Retired Circuit Court Judge Michael McElligott

When I was a law student and working at the Washington County District Attorney's Office as a certified law clerk, I had my first, or possibly second, trial in front of Judge Michael McElligott. Of course one is going to be nervous for her first trial, but after my co-workers teased me about needing to bring my toothbrush if I was going to be late, I made sure I wasn't late. Maybe it was because it was my first trial, but I can still distinctly see Judge McElligott sitting on the bench. I watched him listen and assumed he was getting impatient with me when he started rocking his chair. At one point, being too new, I asked an improper question. He leaned forward and said slowly, "There's this book ... it's called the Evidence Code...." I knew he was right and I smiled and said, "Yes Judge, I've read it before, and I will read it again." All in all, he was less scary than I thought he was going to be and I was glad to have gotten through the experience. Although I only had one trial before Judge McElligott, I am glad I had that one. Whenever I refer back to the evidence code I think about that and I want to get it right. I also try very hard not to be late to court.

During Judge McElligott's memorial service on January 11, it was apparent that not only was he a well-regarded judge, but he was a beloved friend to many and obviously had a great sense of humor. After he retired from the bench, one of the ways he spent his time was to participate in some archeology digs in Eastern Oregon and, if I heard correctly, he actually found some ancient dung!

As I was looking at the many photos on display

of him throughout the years, I noticed one in particular and thought he looked a lot like rocker Mick Jagger. Apparently I was not the only one, because I then heard his friend, who was speaking at his memorial service, telling a story about Judge McElligott joking around and dressing up in rocker attire, guitar and everything.

Judge Michael McElligott passed away on December 21, 2012 from lung cancer that was caused by exposure to Agent Orange during his service in the Vietnam War. I think it was Judge Marco Hernandez who quoted him as saying, "You don't have to be on time ... it's okay to be early." While I felt his memorial seemed to very much be a celebration of his life, it seems as though Judge McElligott left this life too early.

In honor of his service, the Washington County Bar Association will make a donation in Judge McElligott's name to the Oregon Veterans Center.

Jim Lucas

Attorney Jim Lucas passed away December 31, 2012 from cancer at the young age of 55. Mr. Lucas was the Banks City Attorney and was a past board member of the Washington County Bar Association, from 1997 to 2004. While I did not have the privilege of knowing Jim, I have heard that he was liked and trusted by his clients and respected by his colleagues. We give our condolences to his family and I know that he will be hard to replace in his community.

ANNOUNCEMENTS

Aaby Family Law is pleased to announce **Kathryn F. Gapinski** has joined the firm as an associate attorney. With the addition of Ms. Gapinski to the firm, Aaby Family Law has expanded practice areas to include probate and estate planning matters, include estate planning for same-sex couples.



Clackamas County Circuit Court Judge **Steven L. Maurer** returns to the private practice of law on February 1, rejoining his former law firm in Lake Oswego, which is changing its name as of that date to Glazer, Maurer & Peterson, P.C. Maurer served as Presiding Judge from 2006-10, and has presided over all kinds of civil and criminal cases. He joins another veteran trial lawyer, Larry Peterson, "of counsel," in teaming up with Lake Oswego lawyer Peter Glazer. Maurer's private practice emphasizes personal injury, family law, criminal defense, and general civil litigation. Peterson is "of counsel" to the firm.



State of the Court

As part of her annual “State of the Court” address, presiding judge Kirsten Thompson provided the following information to the Washington County Bar Association at its monthly meeting in January:

Washington County is fortunate to have a talented group of 14 elected judges and one full-time Hearings Referee/Judge Pro Tem, along with many dedicated volunteer pro tem judges. Along with a court staff of 91, these people have enabled Washington County to keep close to its timely disposition standards - even with budget cuts and furlough days. That means that each staff member had to learn to work smarter, and not just harder, to streamline processes and cut costs. Two years ago the Court had 105 full time employees, and it is now down to 95. Even with the reduced staff, and the mandated furlough days, the Court processed 4,684 new domestic relations cases, 8,368 civil cases, 3,246 small claims, 892 probate cases, 468 name changes, 2,197 violations, 5,380 misdemeanors, and 2,851 felonies in 2012. 951,837 pages were scanned (almost 100,000 more than the previous reporting!), 94,604 receipts written, and 842,314 OJIN events entered. 18,994 arraignments were held at LEC and 282 truancy violations were heard in Juvenile Court. 20 construction defect case were also resolved in 2012 (only 1 trial). Along with the normal court trials, jury trials, and specialty programs, the court monitored 1,375 DUII Diversions, summoned 61,200 citizens for jury duty, and provided customers with 1,354 electronic courtroom audio recordings.

Improved uses of technology has resulted in huge time and cost savings. 76,800 pages were selected by external customers to be emailed as opposed to having staff look up a record, copy it and mail it. In addition, 28,414 email notices were sent for a savings of \$12,786 in postage alone - not counting paper, toner, envelopes and staff time. To continue to make sure court goals are met, Washington County applied for a technical assistance grant from the Bureau of Justice Assistance and is in the process of forming a Bench-Bar Committee consisting of leadership judges and members of the local bar from criminal prosecution, defense, civil and probate areas in order to provide guidance, and support better communication between the bench and the bar. Our goals for the coming year also include improving the Court’s communication with its legislative leadership. Representative Tobias Read was present for the meeting and we hope that he, along with others, will

see what we are doing and visit the court in the near future.

An ongoing challenge in Washington County is to continue providing access to justice in a county with a growing population and a vibrant business community, but with a limited number of judges. To make sure we accommodate all requests, the Court is grateful for the volunteers of the Bar who serve as pro tem judges for Small Claims and Family Abuse Protection Act proceedings, civil settlement conferences, and pro bono representation for children in domestic violence cases. They have even helped out with filing on state furlough days! All efforts are sincerely appreciated, along with their great ideas and professionalism.

Each of the lead judges gave a report.

Judge Knapp - **Criminal Team**. The goal of the criminal team is efficiency. If we can be more efficient with criminal matters, which take up the majority of the court’s resources, then that would allow more court resources to be used for civil, domestic relations and juvenile matters. One of the ways the criminal team is being more efficient is with the new Early Case Resolution (ECR) diversion program. This is for 1st time offenders of low level crimes. If the diversion is successfully completed, the case gets dismissed. It will use less judicial resources, allow for personal accountability and promote public safety. Judge Knapp is working with the probation department to create a structured sanctions grid for probation violations that both the court and the probation department will find workable. The benefits of a schedule will include using less jail space and having fewer arraignments and probation violations. The grant that Washington County has received from the Bureau of Justice Assistance will provide recommendations on criminal case flow management. Finally, Judge Nachtigal is currently over at LED where she is handling arraignments, release hearings, change of pleas and the ECR Docket. After 20 years on the bench, Judge Nachtigal has announced that she will be retiring this summer and we will deeply miss her.

Judge Bailey - **Civil Team** Stalking and garnishments will be assigned to the civil team. The goal is to get cases to trial more quickly. In years past, it was taking too long to get to trial so too many cases were effectively forced to settle. Time estimate is now 1.5 years to trial instead of 3. The civil team conducted over 30 civil trials last year and construction defect cases now have a “date certain”. As a reminder to attorneys, Judge Bailey asks that attorneys remember to check their emails for messages from the court regarding hearings and to make sure they are checking the local rules regarding arbitrations and extensions for the same. Also Oregon law requires Judgments along with Orders for Dismissal, and Affidavits are required with a Request for Reset. Finally, when filing an Order to Show Cause, please check with calendaring to get a hearing date.

Judge Raines - **Family Law Team**. The Family Law Bench/Bar Committee is very active, comprised of approximately 15 lawyers and 5 judges, and focuses on issues important to family law practitioners and the public. The Committee meets quarterly, with subcommittees meeting monthly. If you are interested in serving on this committee, please contact Laura Schantz.

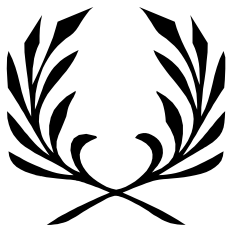
The Mediation Subcommittee is evaluating the effectiveness of Kids' Turn, along with similar programs, as its contract comes up for renewal. They also recommended changes to the 2013 local court rules regarding medication prior to Kids' Turn. Local court rules previously required two classes prior to mediation, which created an unfortunate bar to early participation. The new local rule eliminates that requirement and allows parents to participate in mediation earlier. Conciliation Services now receives its funding indirectly from the legislature through the Oregon Judicial Department, rather than directly from local filing fees. They continue to offer pre-litigation mediation services, counseling, and low cost custody evaluations. Safety First (a sliding scale professionally supervised visitation program) is funded by a federal grant and provides services as long as one parent is a domestic violence victim of the other parent.

Based upon a recommendation of the Better Ideas Subcommittee, the Family Law Team will be more actively utilizing status conferences as a tool to resolve cases. The parties are expected to complete at least the discovery required by ORS 107.089 before the status conference and failure to do so may result in a summary order to compel. The parties are also expected to attend the conference personally, absent prior court approval. Failure to attend may result in an award of attorney fees for the attending party. The parties are expected to come informed about their case and prepared to negotiate a settlement.

The Website Subcommittee is constantly reviewing the Court's website to make sure that all forms and information is current and correct.

Judge Cobb - **Probate**. Judge Cobb welcomed Judge Erwin to the team and reported that they have over 2,000 open, pending cases involving adoption, name changes, estates, guardianships, and conservatorships.

Judge Rini - **Juvenile**. The Juvenile team continues to handle dependency, delinquency, truancy and domestic violence cases. "Electronic home monitoring" is a new program whereby a person can be monitored for the cost of approximately \$9 vs \$300 per day.



WCBA New Lawyer Section

by Joel Geelan

Good news! At the last WCBA Board of Governors' meeting, the Board concluded that a New Lawyers Division shall be formally established and efforts to flesh out the details are underway. In our next newsletter, we will announce a date for the Washington County New Lawyer Kickoff Event. We expect to schedule it within the next two months. Keep your eyes open for more information and spread the word.

As our mission statement (see the beginning of the President's Note) implies, we think providing a place where our members can meet in a social environment strengthens our membership. In order for the New Lawyer Division to be successful, we hope that established lawyers and firms will want to get involved. Getting involved could be as easy as hosting a meeting or simply attending a meeting to offer practical tips or job hunting advice. If you have ideas for activities or meeting topics for new lawyers or you want to get involved please let us know.

If you are a new lawyer in Washington County with less than five years of experience, or you know of a new lawyer that would like to be involved, please contact:

Nicole Schneider, nls@helzercromar.com
 Kathy Proctor, kproctor@proctorlawpc.com
 Arthur Saito, Arthur@stahancyk.com or
 Joel Geelan, jgeelan@proctorlawpc.com

Or, pass our contact information along to your new lawyer contacts. If they are not already members of the Washington County Bar Association, the first year of membership is free.

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.

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LAW LIBRARY NEWS

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 Email: lawlibrary@co.washington.or.us
 Website: www.co.washington.or.us/LawLibrary

NEW OREGON PUBLIC LAW LIBRARY WEBSITE

The Washington and Clackamas County Law Librarians have created a statewide *Oregon Legal Research* website. Here are the links (aka URLs):

www.oregonlegalresearch.com/ (homepage and blog)
blog.oregonlegalresearch.com/ (direct link to blog)

There is still a lot of work for me, Holly, and Jenn (the Clackamas County Law Librarian) to do on the new website and feedback is welcome. We are now in the process of migrating the 7+ year-old Google-Blogger "Oregon Legal Research" blog to the new website's Wordpress blog. And, we will soon assemble a group of librarians (and maybe a lawyer or judge - you?) to discuss the creation of an Oregon Legal Research advisory and planning team to oversee content, strategy, and succession.

This website would not have been born without the generous and nurturing (and pro bono) support from the best friend public law librarians ever had, Justia founder Tim Stanley and his technical and librarian staff (www.justia.com/).

I also, especially, want to thank Holly Gerber, our Washington County Assistant Law Librarian. She kept her cool and focus while entering the vast bulk of con-

tent, updating PDFs and URLs, and attending Drupal trainings while also serving as our grammar-wars peace-maker - all without a whimper or demand for a raise.

Note: This new Oregon Legal Research website is not a replacement for our respective, and official, Washington or Clackamas County Law Library websites.

LAW LIBRARY AFTER-HOUR KEYS

Requests for Law Library after-hours access keys are now managed from the Washington County Trial Court Administrator's office. Lawyers who have a home or office in Washington County are eligible to request the after-hours key. (It is not enough to "do business" with the Washington County Circuit Court.)

This centralization of attorney and courthouse key-access procedures is a welcome change for us since a lot of staff time was spent managing after-hours key access. We still have a temporary after-hours key for short-term use by Washington County attorneys who may need Law Library access overnight or over a weekend. Law Library staff members will verify bona fides, i.e. the attorney must be an OSB member and have an office or home in Washington County, before signing out the after-hours key.

LAW LIBRARY ADVISORY COMMITTEE

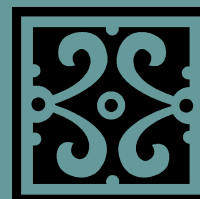
WCBA Law Library Advisory Committee meeting agendas and minutes are available at www.co.washington.or.us/LawLibrary/Information/law-library-advisory-committee.cfm

Have you:
Moved?

Have an office to rent?
Changed firms?

Expanded your services?

Send your news and updates to
washingtoncountybarnews@gmail.com



Wednesday, February 13, 2013

CLE at 5:15pm

Criminal Cases from the DA's Perspective

Presented by Washington County District Attorney Robert Hermann,
Senior DDA Jeff Lesowski and DDA Kate Glasson

Cocktails at 6pm

Dinner at 6:30pm

Dinner guests: Oregon Court of Appeals Judges

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

wcbassociation@frontier.com.

Please register no later than February 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 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

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: _____