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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.*

This is the last newsletter until September! I hope all of you have a fun and relaxing summer. But, I am getting ahead of myself....

The past two years I, and all the members of the Board, have been very busy working to continue with our long tradition of having a social and relaxed association, while at the same time making improvements. Nicolas Heydenrych got the ball rolling to revise our bylaws and several others of us, with the help of Julie Viner, worked on the final revisions. The revised bylaws were finally completed in November 2012 and now they are available to members of the association to view at <http://www.wcbabar.org>. On the right side of the page, see "Most Requested" and click on "WCBA Bylaws."

Our newsletters come out once each month and during July and August there are no newsletters. In an effort to be able to provide updated informa-



# WCBA Newsletter

Washington County Bar Association  
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tion to our members and join the social networking generation, we are now on Facebook. Our President-Elect, Amy Velázquez, manages the site. Since news and information does not wait to be published once each month, practitioners can now get current information at our Facebook site. Please "like" us at <https://www.facebook.com/WaCoBarAssociation> and stay connected with current announcements, court updates, CLEs and even job announcements. Your "friendship" connection to Facebook is private but if you have any questions about accessing our site, please feel free to contact anyone on the board.

Because we want all lawyers and members practicing in Washington County to take advantage of our CLEs and relaxing dinners, we have tried out several ideas to increase attendance. In addition to having interesting dinner speakers, we asked board members to wear name tags so newcomers would feel more comfortable approaching us, and we started a dinner raffle. We don't always remember to wear our name tags ... but, we have had some memorable dinner speakers, including Judge Gayle Nachtigal and Fred Nachtigal, who shared their motorcycle adventure to Sturgis, South Dakota. Just before November elections, candidates for the Oregon Court of Appeals and Oregon Supreme Court shared their statements. Judge Thompson gave her state of the court address, and of course we had the Court of Appeals and Oregon Supreme Court as our dinner guests. The dinner raffle has been fun and we will probably continue that next year. We hope to see our most recent winner, Jane Mopper, taking advantage of her free dinner at the year-end picnic!

Thank you to the Family Law Bench Bar Committee, which presented May's CLE on "Representing Children Who Resist Contact with a Parent: A Psychological Perspective." Speakers included Todd Ransford Ph.D. and Edward Vien, Ph.D. After the CLE, dinner was very well attended, probably in part because of the interesting CLE, and because our dinner guests included justices from the Oregon Supreme Court. Traditionally, toward the end of dinner, attendees will stand one at a time and introduce themselves and tell us where they practice. Sometimes people will use this time as an opportunity to talk about issues of importance to members. But, this May's dinner was so well attended and busy that I confess I completely forgot to do the round robin.

## Upcoming Events/CLEs

June 19: Spring Meeting & Wine Tasting at Oak Knoll Winery  
September 11 - Probate CLE by Judge Cobb  
October 9 - Washington County Sheriff  
November 13 - TBD  
December 11 - Holiday Party  
January 8, 2014 - Updates from the Court & dinner speaker State of the Court  
February 12, 2014 - TBD - Court of Appeals  
March 12, 2014 - Search and Seizure - Oregon Supreme Court  
April 9, 2014 - Family Law Bench-Bar & Staff Appreciation  
May 14, 2014 - TBD  
June 11, 2014 - End of Year Picnic

*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.*



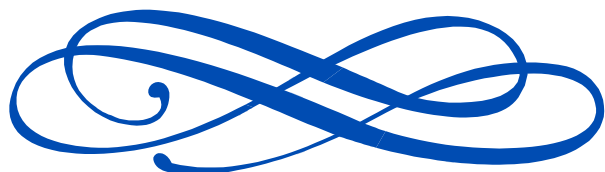
Although, Justice Landau commented that my forgetting was probably a good thing because with so many people, we might have been there all night. If you were there and were disappointed that we missed the round robin ... sorry! We'll do it next time.

#### *Justice Landau*

In an effort to include newer lawyers in our association, we formed the Washington County New Lawyer Division. So far we have had three meetings and we are still trying to figure out how best to involve and support our newer lawyers. The New Lawyer Committee consists of Nicole Schneider, Arthur Saito, Kathy Proctor and Joel Geelan. If you have an idea or suggestion for an event, guest speaker, outing or mixer for the New Lawyer Division, please contact one of us. We intend to announce another get-together soon. Also, in case some of you potential mentors out there didn't realize it, new lawyers are required to have a mentor and go through a curriculum of mentoring during their first year in practice. If you want to be a mentor and help a new lawyer, you need to sign up and get approval. Here is a link where you can get more information and sign up <https://www.osbar.org/nlmp>.

I want to say thank you for allowing me to be the President over the past two years. It has been fun, interesting and challenging. I am excited about the future for our association. I think our current board is comprised of a good mix of people with different points of view who have the energy, ideas, and knowledge to make our association better. Our administrative assistant Julie Viner rolls with the changes and is our constant. Carol Hawkins has done a great job editing our newsletter. It has been a pleasure working with everyone. I encourage others to find a way to get involved in our community, whether it is with the Washington County Bar Association, the Washington County Women Lawyers, the Oregon State Bar, or any other capacity. Volunteering is a great opportunity to meet people, learn new things and make a difference.

Finally, one of the last things I get to do as president is to present the Professionalism Award. Last year the award went to Laura Orr, our Washington County Law Librarian. The president's award of appreciation went to the staff of the Washington County Circuit Court and was accepted by the Trial Court Administrator, Richard Moellmer and several staff members.



## PROFESSIONALISM AWARD

This year, the Award for Professionalism goes to Gregory A. Karpstein. Mr. Karpstein has been practicing law since 1973. During that time he has been a volunteer pro tem for small claims, he has volunteered for St. Andrew Legal Clinic and he was a volunteer on the Valley Catholic School Board. During his years as an attorney in Washington County, Mr. Karpstein has practiced criminal defense, done wills and estate planning and he transitioned to doing juvenile work in the 1980s. His work with juveniles has included representing juvenile delinquents, but primarily children in abuse and neglect cases. He also handles DHS adoptions and has done more than 450 of these. According to Mr. Karpstein, about one-third of his DHS adoptions are with other family members, one-third are with foster parents and one-third are with non-family members and strangers. He has had distinguished alumni attorneys who have worked for his firm, including pro tem Judge Michele Rini, Justice of the Peace James Shartel, Rob Harris, and Sara Hawkins. From a former employee: "He was a great person to work for/with, kind, easygoing, and genuinely seems to like working with kids. He can be funny in court, with a sly sense of humor, and often laughs at his own jokes. On a personal note, he was a great boss, didn't expect you to work long hours, just get your work done. And if you were done early - go home. He gave nice Christmas presents and was supportive of the people who worked for him. He's also one of those truly really good people." From what I understand, he "has two children, one grandchild and is still married to the same woman - his better half."

*Sincerely,  
Kathy Proctor*

### SAVE THE DATE

Monday, September 23

THE WASHINGTON COUNTY  
BAR ASSOCIATION  
FAMILY LAW  
BENCH BAR COMMITTEE  
PRESENTS ITS  
ANNUAL 2013 MEETING

Please join us for lunch on Monday, September 23, from 12-1:15pm at the Venetian Theater & Bistro (see below) to hear reports and to learn about what we are doing to improve family law practice in Washington County. Bring your ideas, questions and concerns.

The Venetian Theater & Bistro  
253 E Main St  
Hillsboro OR 97123

# Washington County Courthouse News

by Amy Velázquez



We are including information regarding changes at the court house in our newsletter as we hear about them. If you know of any changes that are important to the legal community, please feel free to forward them to Amy at [avelazquez@harrislawsite.com](mailto:avelazquez@harrislawsite.com) so they can be included in future newsletters.

## Court Staff Information

A new Probate Clerk starts on June 17, Roderick Binek. He may be reached at: 503.846.2366.

## American Red Cross Blood Drive

The Court is hosting a Blood Drive through the American Red Cross:

DATE: Wednesday, June 19  
TIME: 11am to 4pm  
LOCATION: First Baptist Church  
177 NE Lincoln St in Hillsboro

Identification is required at the time of the donation. To schedule your appointment or for more information, contact Annette Cornish at 503-846-8767 or go online to [www.redcrossblood.org](http://www.redcrossblood.org); sponsor code: WA-COCC

## Bench Bar Committee Update

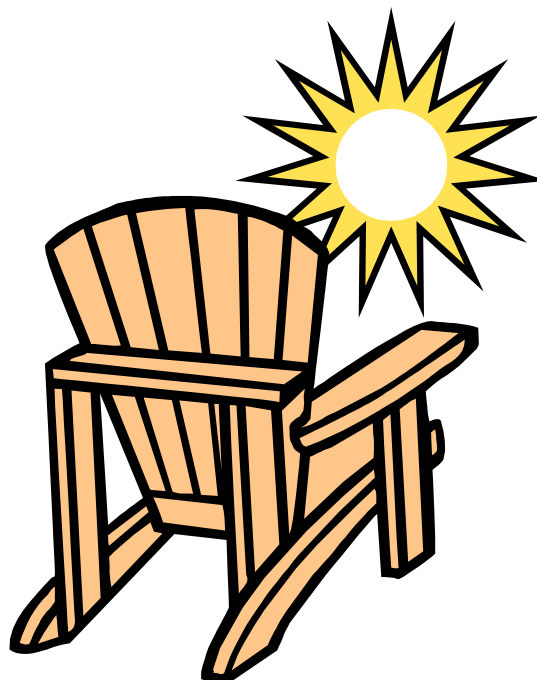
Organizational meetings have been completed for the Bench Bar Committee and all Committee members have been appointed. The Committee will continue to meet quarterly. Future meeting dates are set through April 2014. The next meeting will take place on July 11 at Proctor Law, P.C.

Below is the roster of Committee members:

1. Presiding Judge - The Honorable Kirsten Thompson;
2. Chief Criminal Judge - The Honorable Rick Knapp;
3. Chief Civil Judge - The Honorable D. Charles Bailey;
4. Chief Family Law Judge - The Honorable Keith R. Raines;
5. District Attorney or designee - Kevin Barton;
6. Head of Metro Public Defenders or designee - Dean Smith;
7. Member of Private Criminal Defense Bar - Robert Harris (Presiding Member for 2013);

8. Member of Civil Defense Bar - Larry Brisbee;
9. Member of Civil Plaintiff Bar - Matthew Kehoe;
10. Member of Probate Bar - Michael Schmidt;
11. Washington County Bar President - Kathy Proctor (outgoing) / Amy Velázquez (incoming);
12. Local Trial Court Administrator - Richard Moellmer (Secretary for 2013);
13. At Large Position 1 - Pamela Yee;
14. At Large Position 2 - Sally Robinson;
15. At Large Position 3 - Thalia Sady.

The Committee wishes to promote an open dialogue between our local Bench and Bar. Presiding Member Robert Harris has agreed to field any questions, comments and concerns, which should be directed to him via email at: [rharris@harrislawsite.com](mailto:rharris@harrislawsite.com). Members of the Bar are encouraged to contact any Committee member regarding issues for discussion and request that this be done via email.





## Could we be held responsible for our parents' bills?

by Matthew C. McKean

In Family law it is well known that parents have a duty to support their children. This is the basis by which the state can impose child support on divorcing parents. In Probate law, practitioners have long told their clients that they have no duty to pay their parents' debts with the child's assets.

But take a look at ORS § 109.010 Duty of Support. This statute says "Parents are bound to maintain their children who are poor and unable to work to maintain themselves; and children are bound to maintain their parents in like circumstances." Does this mean that children really are responsible for their parents' debts?

ORS § 109.010 and the law in 28 other states seem to say that children are responsible. The states that have some sort of Filial Responsibility laws are: Alaska, Arkansas, California, Connecticut, Delaware, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia and West Virginia. Eight of these states include criminal penalties. For example, in Massachusetts, someone who "unreasonably neglects" to support a parent who is destitute or too infirm to maintain himself could face up to a year in prison plus a \$200 fine. In Oregon, ORS § 163.205 Criminal Mistreatment in the First Degree could conceivably be used to enforce Oregon's duty of support.

While use of the statutes has been rare, in Pennsylvania, nursing homes have begun using the law to induce families to pay for their parent's bills. In *Health Care & Retirement Corporation of America v. Pittas* (Pa. Super. Ct., No. 536 EDA 2011, May 7, 2012), the Pennsylvania Superior Court upheld a lower court decision which made the adult son of a woman who had received skilled nursing care and treatment at a Pennsylvania facility liable for the \$93,000 bill. The court concluded that the state did not have the duty to consider the woman's other possible sources of payment, including a husband and two other adult children, or that an application for Medicaid assistance had been made. Instead, since this son had the means to pay the \$93,000 bill, the trial court was correct in holding the son responsible for paying it.

Generally, most states do not require children to provide care if they do not have the ability to pay. Children may also not be required to support their parents if the parents abandoned them or did not support them. Oregon's statutes don't seem to address the matter at all. But there is some case law that gives us guid-

ance. In re Estate of Hines, 573 P.2d 1260 (Or. 1978) (discussing filial support statute in wrongful death claim, finding statute does not make parents dependents of child) and *State v. Nolen*, 260 P.3d 810 (Or. Ct. App. 2011) (holding that in absence of agreement between mother and son, son had no duty to care for mother and therefore no liability for failing to provide her with care).

In these days of tight money, sequestration, and the fear that Medicaid is running out of funds, don't be surprised if nursing homes and others start looking to these Filial Responsibility laws to recoup monies paid on behalf of our elders.



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## Is Your Client's Home Involved?



**We Can Help.**

**DIVORCE · ESTATE PLANNING  
 BANKRUPTCY · REAL ESTATE**

We will provide a **FREE CASH VALUE COMP**  
 for your client's property within 72 hours.

Fast, Secure,  
 Easy, Quick-Close  
 Transactions with  
 Bargain and Sale Deeds

7 Years in Business  
 Operations in Arizona,  
 California, Colorado,  
 Florida, Idaho, Oregon,  
 Utah, and Washington



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## Senior Judge Gayle Nachtigal

by Arthur Saito

"It's been quite a ride," comments Senior Judge Gayle Nachtigal. After 22 years of distinguished service on the Circuit Court bench in Washington County, she will be retiring on September 1.

Originally from Ohio, Judge Nachtigal moved to Oregon in order to attend Lewis & Clark Law School. "I was at Bowling Green State and saw that Lewis & Clark was actively recruiting women, so I decided to apply. I was initially interested in working with society, perhaps as a public defender. I applied too late for the day program, so I attended the night program." At Lewis & Clark, she attended classes from 6-10pm, sitting next to a fellow student who would later become her husband, Fred Nachtigal. They were married in her last year of law school, 1978.

During law school, Judge Nachtigal clerked for the Washington County District Attorney's Office. "They paid me \$620 per month," she recollects with a smile. "I applied for a position after I graduated and passed the bar. I was literally told at my interview that they needed a woman and that I would do." Judge Nachtigal adds, "Times were different then. I don't exactly remember what they paid me, but I know it had to be more than \$620. They sent me to the Juvenile Court, which was then in the Weil Arcade, and was told I would do the least amount of damage." In Juvenile Court, Judge Nachtigal worked as part of a close-knit team, handling cases that ran the gamut from termination of parental rights to juvenile murder.

Judge Nachtigal joined the Family Law Division in Portland in 1983. In addition to her Washington County juvenile caseload, she handled additional child support enforcement and juvenile matters for Multnomah, Clackamas, Tillamook, Clatsop, Sherman, and Polk Counties. After spending one and a half years at this position, she joined the Attorney General's Office to supervise plaintiff cases involving student loan collections, mortgage foreclosures, and recovery of damage done to state highways.

After two years, Judge Nachtigal returned to Washington County and entered private practice. In addition to handling criminal and domestic relations matters, Judge Nachtigal also served as a full time referee in Juvenile Court. After two and a half years in private practice, things began to change. As Judge Nachtigal recalls, "In 1990, Washington County was struggling with growth. The population had exploded. We needed a new judge. Judge Campbell was already on bench at the time. She was the first woman judge in Washington County. When I was appointed by Governor Roberts in

July of 1990, I became the second."

What has her experience on the bench been like? Judge Nachtigal replies, "As a new judge I was very excited and eager to handle anything. However, there was always a strong underlying sense of responsibility. The only person in charge in the courtroom is you and it's up to you to manage your courtroom and the people in it. That is a big part of the job. It's also important to talk to people in a way that they will understand and, depending on the case, in a way that you can hopefully plant a seed if necessary. Accountability matters at all levels. My goal on the bench was always making sure justice was done, and done appropriately. Decisions needed to be based on the law and not me personally."

When asked about her most memorable in court recollection, Judge Nachtigal recounts: "I remember one particular juror. She was an elderly woman with a cane - the perfect picture someone's grandmother. When asked what kind of evidence was necessary to establish reasonable doubt, she replied, 'The kind of evidence I want on my husband cheating on me before I did something!' With each word she pounded her cane on the courtroom floor." Judge Nachtigal adds, "I will definitely miss interacting with people - hearing trials and working with my staff, the judges, the lawyers, and everyone else in the courthouse."

What advice does she have for new attorneys? Judge Nachtigal notes, "Judges look to and depend on lawyers to provide the questions and the answers to a case. Because of this, lawyers need to be mindful of their actions and representations to the Court because judges keep track of an attorney's reputation. Your reputation matters."

The future? Judge Nachtigal intends to perform her Plan B service and then leave all the "judge stuff" at the courtroom. She and her husband enjoy motorcycle riding, traveling with "Clyde" the garden gnome (who visited Parliament during a trip to England) and being grandparents to "The Best Grandchild," who lives in Pozoblanco, Spain.





**YOU ARE CORDIALLY INVITED TO ATTEND  
THE RETIREMENT CELEBRATION HONORING  
JUDGE GAYLE A. NACHTIGAL**

**FRIDAY, AUGUST 23RD, 2013  
4:00 PM – 6:30 PM  
LAW ENFORCEMENT CENTER  
TRAINING ROOM B & C  
215 SW ADAMS STREET  
HILLSBORO, OREGON 97123**



The WCBA JUNE MEETING  
Wednesday, June 19  
5-7:30pm  
WCBA Wine Tasting at Oak Knoll Winery  
29700 SW Burkhalter Rd, Hillsboro OR

We will be presenting the 2013  
Professionalism Award to

**Greg Karpstein**

in recognition of his contributions to the  
legal community and Washington County

Please send your reservation and prepayment by Friday, June 14th to:

**WCBA**

c/o 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 Friday, June 14th  
and make your checks payable to WCBA.  
You may also pay online via credit card  
by using the PayPal account at [www.wcbabar.org](http://www.wcbabar.org)

**Reservation Information**

Your name: \_\_\_\_\_

Yes, I will attend the June 2013 Wine Tasting. \_\_\_\_\_

Number of attendees: \_\_\_\_\_ x \*\$15/\$20 for members/nonmembers = \_\_\_\_\_

\*This charge includes food, soda and music.

Please note: There is an additional \$5 charge per person, to be paid directly to Oak Knoll by those who choose to participate in the wine tasting.