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# WCBA Newsletter

Washington County Bar Association  
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 February 2014, Page 1 of 7  
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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.*



We hope you all had a safe and prosperous holiday season. We have finalized our CLE schedule through the

rest of my presidency, but are always interested in new information and have begun planning for our fall CLEs. Please see our updated CLE schedule and list of upcoming events. Our February CLE is on domestic violence and will include changes to the FAPA statute as well as the newly created "SAPO" - Sexual Abuse Protective Order. Registration information is on page 6.

We are happy to announce that our court was issued a grant through the State Justice Institute to allow for a year-long study to be conducted by the National Center for State Courts. Judge Thompson discussed this, along with other important information at our January dinner. A summary of the presentation by Judge Thompson and Trial Court Administrator, Richard Moellemer has been provided on pages 2 and 3.

Our January raffle winner for a free dinner was Judge Menchaca, and he generously gave his ticket to Becky Mehringer. We hope to see you both at our next dinner! As always, we would like to thank our local judges for attending our meetings. Judges Thompson, Raines, Menchaca and Rini all attended our January meeting.

Please feel free to contact me with any feedback and/or information for inclusion in our newsletter. You may always contact any member of the board directly with input, questions or concerns.

*Amy Velázquez*

## February 12 CLE Domestic Violence: Out of the Shadows



Please join us for the CLE preceding dinner to learn about the Domestic Violence Resource Center (DVRC), the new Sexual Assault Protective Order (SAPO) and some common legal issues that arise in domestic violence cases. Presenters will be Sara Wade, MA; Eden Lopez, BS; and Gayle Sheller, LCSW; along with Kathy Proctor.

## Mock Trial Competition

The annual Washington County Regional High School Mock Trial Competition will again be held at the Washington County Courthouse on Saturday, March 1. We are seeking attorney judges from the Bar for both presiding and non-presiding judge positions. Three rounds of competition are scheduled: Round 1 (approximately 8-10:30am); Round 2 (approximately 10:30am-1pm) and Round 3 (approximately 1:30-4pm). If you are willing and able to assist these amazing high school competitors, please go to [www.classroomlaw.org](http://www.classroomlaw.org) (select the Hillsboro location) and sign up or contact Elizabeth Lemoine, [elizabethl@mlgattorneys.com](mailto:elizabethl@mlgattorneys.com). Please remember to provide information as to which rounds you are willing and available to judge! We appreciate all volunteers!

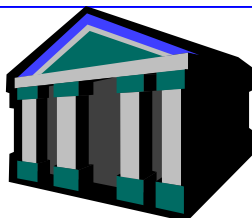
## Upcoming Events/CLEs

February 12, Domestic Violence: Out of the Shadows—Court of Appeals  
 March 12, Search & Seizure—Oregon Supreme Court  
 April 9, Adoption Update—Staff Appreciation  
 May 14, Family Law Bench/Bar Update  
 June 11, Summer Social

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.

## State of the Court

Washington County Circuit Court  
Presiding Judge Kirsten Thompson



On January 8, Presiding Judge Kirsten Thompson gave guests a briefing of some of the work that happens in Washington County. This is the fourth year she has given her State of the Court address and she kindly provided some details so that those of you who were not able to join us can be informed as well. I have heavily relied upon and used her words and notes to present the information in this newsletter format.

Judge Thompson described the number and type of cases that came through the court in 2013 as follows: There were 34,157 new cases filed which were categorized as of December 13, 2013. Adoptions were the smallest portion with 83 adoptions filed and 72 completed; civil cases made up 11,079 of the cases filed. Small claims had 7,798 cases filed and there were 4,206 domestic relations cases. The juvenile court handled 442 juvenile cases and 222 truancy cases while the probate court added 883. On the criminal side of things there were 9,597 criminal cases filed with 18,390 arraignments scheduled at the Law Enforcement Center (LEC) and 1,095 diversions were entered.

Of note, many cases are also monitored through the Early Case Resolution Diversion and Domestic Violence Diversion program and, there are ongoing Adult and Juvenile Drug, and Adult Mental Health, Court proceedings.

Judge Thompson described the many contributions that staff makes to move the many cases along including making a whopping 825,580 OJIN entries, all the paper that is scanned and filed, customers greeted and assisted in person and over the phone. The accounting department wrote 108,158 receipts and received \$25,841,780.49.

Case filings in Washington County break into the following percentages -which remain pretty similar year to year. They are: 32% Civil, 23% Small Claims, 12% Domestic relations, 3% Probate, 1% Juvenile, and 28% Criminal. A high percentage of courtroom work is in the areas of

Criminal and Family cases. One statistic that practitioners may be interested to know is that of all the cases filed, the court handled 48 civil trials, 95 domestic trials, 279 criminal trials and 45 juvenile trials over the course of the year. Pro Tem Judges heard 224 small claims trials, 529 contested FAPA hearings, and participated in 20 civil settlement conferences.

Judge Thompson noted that compared to 2012, new filings were down slightly in 2013. However, in 2009 an evaluation noted that Washington County needed four additional judicial positions so even with somewhat fewer filings, the overall workload on the judges and staff has not notably decreased.

Most of us have seen and experienced the economic challenges of the past few years and the court

system was not spared. Judge Thompson noted that the court sustained 15% budgetary cuts from 2008-13 that necessitated furlough days, and a loss of staff. She noted that even with the budgetary challenges, the Washington County Circuit Court has been committed to their mission of keeping the court open and accessible to the public Monday through Friday from 8-5. She noted that careful work of the trial court administrator, Richard Moellmer and the hardworking judges and staff made it possible for the court to continue to function with minimal obvious signs of distress to those of us assume those services will simply be there. In addition to keeping the courthouse open, efforts are being made to improve court functioning.

Late in 2012 the bench began several efforts to work on docket management and you may have read in previous issues that a bench bar committee was formed. The committee discussed ways to improve pretrial conferences and other routine court appearances. As part of that process it became clear that Washington County was due for a more thorough review of the court systems and processes. The last major overhaul of the court system was in 1999 when the court worked with American University. As a result at that time there were significant changes made including the creation of a Family Court team and the weekly call system for criminal and civil trials.

Since that time our court has implemented programs including the Early Case Resolution program, Drug Court, Deferred Sentencing Domestic Violence court, Mental Health Court, and there are two judicial officers assigned in Juvenile Court. Members of the court and the trial court administrator have been working on continued improvements including applying for grants and traveling when necessary to work on docket management issues.

Retired Judge Gayle Nachtigal agreed to chair meetings with the court designed to improve docket management. She was the presiding judge during the last major docket revision and is recognized as a leader in court management through her many years of active participation in the American Judges Association, the National Center for State Courts, and the State Justice Institute. Through this process Judge Nachtigal has given our local court some homework including a series of articles to read and she has participated in meetings within court specialty areas. Additionally, the National Center for State Courts has been working with Oregon at the state level, and has provided technical assistance to Oregon in the past. Following a meeting some of the judges attended, the NCSC consultants offered our court their continued assistance with their reengineering effort. With their help, the Court obtained a Technical Assistance Grant from the State Justice Institute to focus on docket management.

Judge Thompson noted 2013 was a challenging year in terms of a significant increase in forced releases. For those of us who do not practice criminal law, alternatives to forced releases include moving defendants from the jail to community corrections centers, or

using Electronic Home Detention, however for various reasons some of these alternatives including releasing offenders to treatment were not able to happen. She explained “forced” release is a problem because individuals who are released in this way are more likely to fail to appear in court and many end up with an associated criminal charge of failure to appear. While she noted that there was not a single cause for the problem, the criminal judges, Knapp, Butterfield and Bailey, worked with their system partners in the Sheriff’s and Community Corrections’ offices in a collaborative way to find creative and good solutions to forced releases.

Judge Thompson described the general roles that the judges in Washington County fill as follows:

As Presiding Judge, Judge Thompson works with all the teams, but her primary duties including working with the criminal and civil teams to schedule trials, consider resets, hear preliminary hearings, arraign defendants, handle change of pleas and sentence hearings, jury orientation, and grand jury selection.

Judge Bailey is lead civil judge who works on a team with Judges Wipper, Letourneau, and Fun hearing motions, processing defaults, and deciding motions for summary judgment along with a number of other civil issues. Probate is now part of the civil team.

Judge Cobb serves as the lead probate judge, as she has since 2006, working with Judge Erwin who has picked up an increasing number of the new probate filings working toward a 50% share of the this docket.

Judge Raines continues to serve as the lead judge of our family law team. This team includes Judges Garcia, Letourneau, and Fun, and the many volunteer FAPA pro tem judges.

Judges Menchaca and Referee I Pro Tem Judge Michele Rini, share primary duties in Juvenile Court, hearing delinquency, dependency, and consolidated family/ juvenile cases. In addition to her duties in Juvenile Court, Judge Rini hears Eviction first appearances, the Support Enforcement Docket, and reviews Small Claims paperwork. Small Claims trials, and most contested restraining order hearings continue to be heard by a hard-working crew of volunteer pro tem judges.

The criminal team is led by Judge Knapp, who works along with a team of judges who hear criminal matters from arraignment through pretrial, to change of plea or trial, including Judges Bailey, Butterfield, Cobb, Erwin, Fun, Kohl, Letourneau, Upton, and Wipper.

Although the judges have specialties, like the staff, the judges in Washington County have many different subject matters to cover and the bench has been moving towards more “hybrid positions” across the various case types. For example, Judge Letourneau has been hearing a combination of Family, Criminal, Civil, and Restraining Order violation matters for several years. Judge Cobb moved from the Family Law Team to the General Trial team, and is partnering with Judge Erwin on the Probation Violation Docket. Judge Fun took over Judge Cobb’s family law cases, and now serves on the Family, Civil, and Criminal teams, as well as presiding over Mental Health court.

Judge Wipper hears the Domestic Violence Deferred Sentencing, and DV Probation Violation docket. Judge Kohl continues to preside over adult Drug Court, and Judge Raines presides over Juvenile Drug Court. Judge Upton and Judge Bailey handle DUII Diversion and DUII enhanced bench probation dockets respectively. Each judge and his or her staff have additional duties within the system, some of which are less visible but need to be done.

The trial court administrator, Richard Moellmer attended the dinner and added to the discussion regarding governance and guiding principles. Richard is quoted as explaining that, “Governance is how decisions are made, communicated and implemented. Guiding principles unify the court as it makes decisions.” As part of the re-engineering going forward, Judge Thompson said that there has been an agreement among the judges that judges will presumptively serve a minimum four-year cycle in any specialty assignment. This is expected to provide more stability and improved expertise amongst the judges in domestic, juvenile, and civil law. There will also be an associate presiding judge position. In the past, the presiding judges have relied on previous presiding judges to assist them in their position. The associate judge role is a way to prepare the court leadership for their future role and make learning the job much easier. Judge Thompson announced that Judge Charles Bailey will serve as Associate Presiding Judge in 2014. He will be working with her on the Presiding Judge docket and duties, including covering for her when she is away and working with her and the other judges as they plan for the future.

An unexpected announcement by Judge Thompson was that Judge Cobb has decided to retire at the end of February. Judge Bailey and the civil team will be working out a plan to cover this important docket going forward. Judge Thompson noted that she and the court will greatly miss Judge Cobb, whom she described as a tireless worker, a friend amongst her colleagues, and a recognized expert in probate law, at both the state and national level. Judge Cobb’s announcement was so recent that Judge Thompson noted there had not yet been any arrangements for a retirement reception for her.

Finally, as Judge Thompson said, change is the only true constant in our system, but the court is working to make changes that improve the way the court works to keep it strong and functional going forward. On behalf of the judges in Washington County, she thanked the judges, the court staff, community partners, and the members of the Washington County Bar Association.

*Edited by Kathy Proctor.*

*On behalf of the board, we thank Presiding Judge Thompson for annually speaking to the membership of the Washington County Bar Association to allow us to be more familiar with the functioning of the court and of the efforts for improvement. The Washington County Bar Association Board looks forward to hearing the State of the Court address next January 2015.*



## Help Me Home

### Help Washington County officers identify people who have wandered away

The Washington County Sheriff's department has a new program to help those caring for the elderly or disabled. It is called Help Me Home. The program is to help residents living in Washington County who are found away from home but have difficulty communicating vital information such as their name, address, or phone number.

Help Me Home is a voluntary enrollment program for adults and children who may become lost due to a disability. Those who are registered in this program have their photo, personal identifiers and emergency contact information entered into a database that law enforcement personnel can access. All Washington County law enforcement agencies will have access, not just the Sheriff's Department. The police officer or sheriff's deputy can tap into the database from patrol vehicle mobile computers.

When a lost registrant is found alone, a deputy or officer can easily search the database. If the person's information is in the database, the caregiver will be contacted immediately.

To register for this program, you will need to complete an enrollment form and an agreement. Registration is \$20 and is good for two years. The sheriff's office says that all information is kept confidential and is only available to law enforcement. The website for the program is <http://www.co.washington.or.us/Sheriff/OtherServices/help-me-home.cfm>.



## Call for Help!

The OSB's Judicial Administration Committee is working on a project to increase public understanding of how our court system works and how courts serve our communities. The judges in Washington County are participating in these efforts, and now we need your help! We need bar members to help identify opportunities where our local judges can get out into the community and speak about the courts. If you are a member of or have contacts with any business, social, or civic organizations in Washington County that might be willing to host a presentation from one of our local judges, or if you just have an idea of an opportunity that might exist for this type of outreach, please contact Danielle Hunsaker at [503.222.4424](tel:503.222.4424) or [dhunsaker@larkinsvacura.com](mailto:dhunsaker@larkinsvacura.com). Danielle is a member of the Judicial Administration Committee and is responsible for coordinating outreach in Washington County.

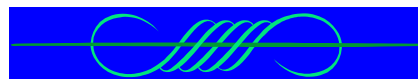
## Civil Update

by Judge Bailey

This is the first installment of an article that the Washington County civil team hopes will be helpful to civil practitioners. The purpose of the article is to provide changes, updates, or, reminders of local civil procedures. We also hope that it is a vehicle to improve our communication with you on what we are doing or changes to our team.

We have many exciting changes for 2014. First, we are phasing in the Probate team under the Civil team umbrella. That means that Judge Cobb (until her retirement - congratulations, Judge Cobb) and Judge Erwin are now part of the Civil team. We also are working on a Civil Bench/Bar committee to work under the recently formed Bench/Bar committee. We are looking for interested civil attorneys who would like to be part of the Civil Bench/Bar committee. If you are interested please contact Joanne Parsons at my office 503.846.4403 [joanne.parsons@ojd.state.or.us](mailto:joanne.parsons@ojd.state.or.us). Finally, we are working on looking at the entire court system, including the civil process, to see if there are ways to improve our service to you and your clients. We hope to include some of you in this process as we move forward.

Feel free to contact my office if there are items you would like to see included in a future article. We hope these will be helpful. We wish all of you a very prosperous 2014.



## WCBA Contacts

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**President Elect** Rebecca Guptill  
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**Treasurer** Arthur Saito  
**Secretary** Rebecca Pihl-Mehringer  
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## LAW LIBRARY NEWS

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Email:



[lawlibrary@co.washington.or.us](mailto:lawlibrary@co.washington.or.us)

Website: <http://www.co.washington.or.us/LawLibrary/>

### Cowboys, Psychiatrists, and Gumshoes Still Read (and Write) Books

#### ABA titles and others at your Law Library:

- “*Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*,” 5<sup>th</sup> edition, American Psychiatric Association, 2013
- “*The Forensic Accounting Deskbook: a Practice Guide to Financial Investigation and Analysis for Family Lawyers*,” by Miles Mason, Sr., ABA 2011.
- “*A Lawyer’s Guide to Understanding Psychiatry*,” by John S. Carbone, ABA 2012
- “*LinkedIn in One Hour for Lawyers*,” by Dennis Kennedy and Allison C. Shields, ABA 2012
- “*The Little Book of Cowboy Law*,” by Cecil C. Kuhne III, ABA 2012 (the cowboy trade, rodeo world, rustlers, honky-tonk, mad cows, and much more)

#### You can also watch a DVD:

- “*Preparing the Witness for a Deposition*,” Knowles Publishing.
  - “*Hot Coffee: Is Justice Being Served*” (documentary by Susan Saladoff)
- Use our online catalog to find these titles and others:  
<http://is.gd/h4cPOq>

#### Virtual Reference at your Law Library: We Find What You Can’t

Lawyers have a lot of information at their fingertips, free or for a fee, but sometimes they still can’t find what they need: an old statute, a chapter in an out-of-print book, an article in an expensive database, etc. Ask your County Law Librarians for reference help in person or virtually, i.e. by phone, by email, or through our websites.

Isn’t everything online? Nope! Check out our *Not Online* grid: <http://is.gd/8vP8fX> (to be updated in the next few days). Or, if you ever wondered about all those fancy, expensive databases OTHER lawyers, law professors, and law students have access to, check out our *Data-base Reality v. Fantasy* grid: <http://is.gd/hJyq5c>

## CLASSIFIEDS

**FAMILY LAW ASSOCIATE POSITION:** Yates, Matthews & Eaton, P.C., an AV rated Portland firm seeks an attorney with at least 5-7 years’ experience in family law. Competitive salary, full benefits and bonus potential. Send resume, with writing sample Attn: Office Administrator, Cecelia Connolly, [cconnolly@yatesmatthews.com](mailto:cconnolly@yatesmatthews.com). All inquiries will remain strictly confidential.

**DOWNTOWN PORTLAND-1 OFFICE-CLASS A SPACE-RIVER VIEW: \$1,200/Monthly:** Class A office space, 18<sup>th</sup> floor of Umpqua Bank Building, at One SW Columbia. One exterior office with panoramic view of mountains, riverfront 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 10 x 15. Call Cecelia Connolly at 503.224.7077.



### 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).

# The WCBA CLE & DINNER MEETING

## Wednesday, February 12

### CLE: "Domestic Violence—Out of the Shadows"

Learn about the Domestic Violence Resource Center (DVRC),  
the new Sexual Assault Protective Order (SAPO),  
And how you can identify abuse and help your clients

Join us for dinner immediately following the CLE. Our guests will be  
the Oregon Court of Appeals Judges.

CLE at 5:15pm, cocktails at 6pm, dinner at 6:30pm  
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 February 10th so that we will be able to guarantee space.  
You can now also pay online on our website, [wcbabar.org](http://wcbabar.org), using our PayPal account.

### 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 2014 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 2013 to August 2014)

(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: \_\_\_\_\_