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



President's Note

By Kathy Proctor
WCBA President

Thanks to everyone who came to the "Navigating Federal and State Civil Litigation" presented by the Honorable Michael Mosman, US District Court Chief Judge and the Honorable Janelle Wipper, Washington County Circuit Court Chief Civil Judge. President Elect, Danielle Hunsaker organized and did a great job moderating the CLE.

As most of us know, our monthly meetings are great opportunity to socialize and meet other practitioners in the community. If you are a new lawyer looking to meet other lawyers, this is a good place to do it. We think Washington County is a pleasant place to practice law with a collegial membership and we want you to think so too, so please join us. Often times we have time towards the end of the dinner hour to introduce ourselves and make short announcements. I have always called this a "Round Robin," but I think I might be the only one who knew what I was talking about when I asked at our last dinner if we should do a Round Robin. . . I'll give a demonstration this month.

Don't forget that the Washington County Bar Dues are due! Our year runs from September to September each year. A flyer is attached to the end of this newsletter, but you can pay your dues by going to our website. Bar dues are \$75 for the year but are free for the first year to new members. Online payments are available at: www.wcbabar.org/dues/.

This year we will be adding some dinner speakers. Generally our dinner speakers will involve entertainment, information, and special guests. Our first dinner speaker this year will be Jim Gieringer who will bring the football season home by sharing his insights regarding intellectual property using a football theme and anec-

WCBA Newsletter

Washington County Bar Association
PO Box 912
Hillsboro, Oregon 97124
Phone: 971.238.2595
October 2016, Page 1 of 12
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Deadline: 20th of preceding month

dotes.

Don't forget that the WCBA New Lawyer Committee is continuing the New Lawyer Coffee on the third Wednesday of each month from 8:00am to 9:30am at Manaia Coffee House and Island Grill Café (203 E. Main St., Hillsboro, OR 97123). Our next coffee meet is October 19, 2016. The New Lawyer Committee consists of Rachel Edwards, Danielle Hunsaker and Robert Harris. If you would like to make a suggestion for an event or activity please feel free to contact either me or one of the committee members.

Thank you for reading and as always, if you have ideas or suggestions, please feel free to contact me personally at kproctor@proctorlawpc.com or the WCBA at wcba.association@frontier.com.

Sincerely, Kathy Proctor

SPECIAL THANKS TO CAROL HAWKINS

For the past several years the WCBA has benefited from the tireless and skillful volunteer assistance of our editor, Carol Hawkins. Carol is embarking on a well deserved retirement. While we did not always show our appreciation for her hard work and dedication to our organization, we felt fortunate and grateful each month for her kind assistance. Thank you Carol!

WCBA Contacts

President Kathy Proctor
President Elect Danielle Hunsaker
Secretary Jennifer Peckham
Treasurer Benjamin Evans
Director Arthur Saito
Director Meghan Bishop
Director Matthew McKean
Director Zoe Smith
Director Robert Harris
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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.



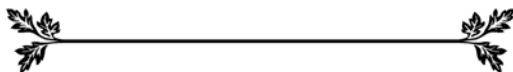
JUST GETTING STARTED IN PRIVATE PRACTICE?

The Professional Liability Fund is sponsoring a practical skills seminar, *Learning The Ropes*, for new admittees to the Oregon State Bar and lawyers entering private practice in Oregon. The seminar includes information on developing a successful practice and avoiding legal malpractice, practical tips from judges and lawyers, presentations on setting up effective office systems, negotiation tips, ethics and introductory access to justice presentations.

Attendance at the full program will satisfy MCLE requirements for new admittees' first reporting period. The seminar will be held November 2, 3, & 4, 2016, at the Oregon Convention Center in Portland. Your \$65 registration fee includes the entire seminar and lunch on November 2 and November 3. Register early - the deadline is **October 27, 2016**.

All new admittees and all lawyers in private practice who were admitted to the Bar from 2011 through October of 2016 will receive a registration flyer. If you were admitted to the Oregon Bar before 2010 and would like a registration flyer, they will be available on our website September 2016.

Online registration will also be available on the PLF Website in September 2016. To view, go to www.osbplf.org, click on Upcoming under CLE, then "Learning The Ropes." From here you can download the brochure/registration form in PDF format or register online. If you have any questions, please write, fax, call, or email DeAnna Shields, at Professional Liability Fund, P.O. Box 231600, Tigard, OR 97281-1600, Fax: 503-684-7250, Phone: 503-639-6911, 800-452-1639, deannas@osbplf.org.



Investiture

Washington County Circuit Court
Judge Ramón A. Pagán

Date: Thursday, November 3, 2016

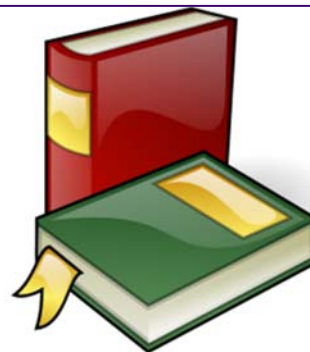
Time: 3:30 to 5:30 PM

Location: Shirley Huffman Auditorium, Civic Center Building, 150 East Main Street, Hillsboro



Enjoy Writing?

Interested in submitting a newsletter article?
We welcome inquiries. Please contact WCBA
President Kathy Proctor by emailing
kproctor@proctorlawpc.com



Latest news from Family Law in Washington County - Adapting to eCourt, and other news

Washington County went live with Odyssey (eCourt) March 7, 2016. Efiling for attorneys began on April 18, 2016, and became mandatory on May 31, 2016. From April 2016 through August 2016, Washington County accepted 47,002 documents through File and Serve, and rejected 5,877. Attorneys, court staff, and judicial officers have been adapting to this new process, and becoming more proficient over time.

In the area of Family Law, documents processed through file and serve are now received, and queued to the appropriate judicial workflow within 24 to 48 hours. If an attorney needs expedited consideration of a document which is filed, the attorney is directed to use the following procedure for Washington County pursuant to UTCR 21.070(5):

... Expedited Filings

A filer who submits an expedited filing through the eFiling system:

- (a) Must include the words "EXPEDITED CONSIDERATION REQUESTED" in the Filing Comments field when submitting the filing; and
- (b) May notify the court by email or telephone, as designated on the court's judicial district website, that an expedited filing has been eFiled in the case.

***The telephone number for notifying the court of expedited consideration requests on domestic relations*

*matters is (503) 846-2367. ***

Expedited consideration requests are dealt with as quickly as possible - usually the same day, if the request is made promptly, and the documents are all in order for review by a Judge.

The Family Law Team of Judges and Staff grew to 3.5 judicial officers with the addition of new Judge Ramón Pagán in August. Judges Raines and Pagán have full time family law duties. Judges Fun, Letourneau, and Thompson rotate between general trial and family law. All of the judges on the Family Law Team hear ex parte matters at 8:30 each judicial day, and rotate the review of initial protective order applications.

In addition to their regular dockets, Judge Raines presides over juvenile drug court, Judge Fun presides over Mental Health Court, and Judge Letourneau presides over the Domestic Violence Deferred Sentencing and Domestic Violence probation docket. Judge Thompson presides over the Violation of Restraining Order (contempt) docket and Adoptions, and serves as Chief Family Law Judge. Judges Menchaca and Pro Tem Judge Rini serve in Juvenile Court, where they hear dependency, delinquency, and divorce and custody cases consolidated with dependency cases. A dedicated cadre of nine volunteer Judge Pro Tems hear contested restraining order cases which do not have a consolidated divorce or custody proceeding.

Detailed contact and case assignment infor-

mation for the Family Law Team is available on the Court's website: <http://courts.oregon.gov/Washington/docs/familylaw/Judicial%20Contact%20Information%20and%20General%20Protocols19.pdf>

Under the Odyssey system all of the new cases throughout the state are filed in numerical order beginning with the year of filing, the case type, and then the case number. As these new "DR" cases are filed in Washington County they are assigned to one of the family law judges by a judge "wheel" which automatically assigns the cases consistent with the judge's percentage of time allotted to family law. When cases are efiled, the filing party gets the notice of assignment via email within 24-72 hours.

The Family Law Team continues to conduct status conferences in new cases prior to the trial. Pre and Post judgment modification and enforcement proceedings are set according to statutory guidelines and the Court's availability. Attorneys are encouraged to provide information about scheduling to the assigned judge's staff after consulting the contact protocols. A cover letter with requested dates, and truly unavailable dates, which accompanies the motion and proposed order can be very helpful to the Court staff.

A limited number of family law filings are required to be filed in paper form. See SLR 2.501 for the list and more information. [http://www.ojd.state.or.us/Web/ojdpublishings.nsf/Files/Washington_SLR_2016.pdf/\\$File/Washington_SLR_2016.pdf](http://www.ojd.state.or.us/Web/ojdpublishings.nsf/Files/Washington_SLR_2016.pdf/$File/Washington_SLR_2016.pdf)

Conciliation Services continues to provide Mediation and Counseling Services to Washington County families with children. In addition to their regular services, they have added the "New Ways for Families" program which is a four-week class for higher conflict couples. The Class includes four ninety minute classes, and four co-parent counseling sessions. The cost is \$250 per party, or \$100 for those who have qualified to waive or defer court fees.

Kids' Turn classes are the required family law education program for families with children under the age of 17. Waiver, deferral, or approval of an alternate education program must be with the consent of the Court. In addition to Kids' Turn, the Court often receives information about parenting education, and posts the fliers on the bulletin boards around the Court. Interested practitioners can find more information at the Youth Contact Website: <http://www.youthcontact.org/Welcome.html> Often there are free programs, with child care and dinner for families who would like to learn more about parenting skills. Programming in English, Spanish, and other languages is often available.

By: Kirsten E. Thompson, Chief Family Law Judge

<p style="text-align: center;">Judge Jim L. Fun Washington County Courthouse Courtroom 303C Chambers 300C Phone: (503) 846-3615 Fax: (503) 846-2238 <u>(Fax accepted when prearranged with staff— receipt number must be included)</u></p> <p style="text-align: center;">Judicial Assistant: Kristine Hackney</p> <p style="text-align: center;">Judicial Clerk: Tiffany Walker- Barkman</p> <p>Communication by e-mail with court staff is encour- aged. Payment must be made for email attach- ments/faxes through the accounting department at (503) 846-2924 or (503) 846-2290. The receipt num- ber must be included in the body of the message.</p> <p style="text-align: center;">Case Assignment: Post-Judgment: DRB Ex Parte:</p> <p style="text-align: center;">Monday—Friday 8:30 a.m.-9:00 a.m.</p> <p>A party presenting a motion for reset or show cause order must provide the court with any un- available dates.</p> <p style="text-align: center;">Settlement Prior to Hearing or Trial:</p> <p>Appearance by phone for settlements is general- ly accepted. Contact court staff for specific re- quirements</p>	<p style="text-align: center;">Judge Donald R. Letourneau Justice Services Building Courtroom 425J Chambers 429J Phone: (503) 846-3418 Fax: (503) 846-8141 (Fax only with staff permission)</p> <p style="text-align: center;">Judicial Assistant: Chantil Rose</p> <p style="text-align: center;">Judicial Clerk: Darlene Exceen</p> <p>Communication by e-mail with court staff is encour- aged. Court staff will not respond to telephone calls. Payment must be made for email attach- ments/faxes through the accounting department at (503) 846-2924 or (503) 846- 2290. The receipt number must be included in the body of the message.</p> <p style="text-align: center;">Case Assignment: Post-Judgment: DRD Ex Parte:</p> <p style="text-align: center;">Monday—Friday 8:30 a.m.-9:00 a.m.</p> <p style="text-align: center;">Settlement Prior to Hearing or Trial:</p> <p>Appearance by phone for settlements is general- ly accepted. Contact court staff for specific re- quirements.</p>
<p style="text-align: center;">Judge Ramón A. Pagán Washington County Courthouse Courtroom 111C Chambers 110C Phone: (503) 846-3708 Fax: (503) 846-4834 (Fax only with staff permission)</p> <p style="text-align: center;">Judicial Assistant: Lisa Brown</p> <p style="text-align: center;">Judicial Clerk: Kelly Jeffers</p> <p>Communication by e-mail with court staff is encour- aged. Payment must be made for email attach- ments/faxes through the accounting department at (503) 846-2924 or (503) 846-2290. The receipt num- ber must be included in the body of the message.</p> <p style="text-align: center;">Case Assignment: Post-Judgment: DRA cases after C120550DRA Ex Parte: Monday—Friday 8:30 a.m.-9:00 a.m.</p> <p style="text-align: center;">Settlement Prior to Hearing or Trial:</p> <p>Appearance by phone for settlements is general all ac- cepted. Contact court staff for specific require- ments.</p>	<p style="text-align: center;">Judge Keith R. Raines Washington County Courthouse Courtroom 206C Chambers 205C Phone: (503) 846-3457 Fax: (503) 846-4801</p> <p style="text-align: center;">Judicial Assistant: Carol Rodgers</p> <p style="text-align: center;">Judicial Clerk: Yessenia Medi- na</p> <p>Correspondence with court staff by email is allowed only with prior staff approval. Payment must be made for email attachments/faxes through the ac- counting department at (503) 846-2924 or (503) 846- 2290. The receipt number must be included in the body of the message.</p> <p style="text-align: center;">Case Assignment: Post-Judgment: DRC and DR cases Ex Parte: Monday—Friday 8:30 a.m.-9:00 a.m.</p> <p style="text-align: center;">Settlement Prior to Hearing or Trial:</p> <p>Appearance by phone for settlements is generally accepted. Contact court staff for specific require- ments.</p>

Judge Kirsten E. Thompson
 Washington County Courthouse Courtroom
 102C Chambers 101C
 Phone: (503) 846-8872
 Fax: (503) 846-2820

Judicial Assistant: Jodi Boylan

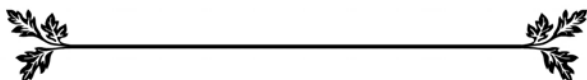
Judicial Clerk: Julia Rainbolt

Correspondence with court staff by email is allowed. Payment must be made for faxes or email attachments requiring printing through the accounting department at (503) 846-2924 or (503) 846-2290. The receipt number must be included in the body of the message.

Case Assignment:
 Post-Judgment: DRE and
 DRA cases prior to C120550DRA
Ex Parte:
 Monday–Friday
 8:30 a.m.-9:00 a.m.

**Settlement Prior to
 Hearing or Trial:**

Appearance by phone for settlements is generally accepted. Contact court staff for specific requirements.



September CLE - Navigating Federal and State Court Civil Litigation in Oregon

The WCBA's September CLE featured Chief Judge Michael W. Mosman from the U.S. District Court for the District of Oregon and Washington County Circuit Court Judge Janelle Factora Wipper, who is currently serving as Washington County's chief civil judge. Judges Mosman and Wipper discussed the differences between civil litigation in federal and state court and provided some general litigation tips.

The primary differences between the two forums are the availability of judicial resources and the extent of case management. Cases filed in federal court are assigned to a specific judge from the start (with the potential for two judges overseeing the case if the first assignment is to a magistrate judge and the parties do not consent to the magistrate handling the case for all purposes). From the very beginning, federal judges exercise extensive management through setting the case schedule and deadlines and overseeing discovery. They are also extensively involved in pretrial management,

with every case having a pretrial conference in advance of trial where objections to the proposed witness and documentary evidence are resolved, and the permissible evidence is usually pre-admitted.

In Washington County, cases are not assigned to a specific judge unless a case is designated as complex, and early case management is comparatively minimal. Once a case is at issue and a trial date is set, the parties are left to manage the activities leading up to trial. Neither the Oregon rules nor Washington County practice require a pretrial conference to be held before trial. Evidentiary motions, such as motions *in limine*, and other pretrial matters that need to be addressed are handled the morning of trial. Attorneys are encouraged to think about how much time will be needed for pretrial matters and alert the trial judge, once assigned, so that the court can manage the jury pool.

Washington County strictly follows the Oregon requirement that trial be held within one year of filing a civil case. Parties are expected to confer about trial dates and alert the calendaring department of their available dates before the trial is set. Once a trial date is set, resets are rarely granted, and they are never granted simply because both parties want a reset. Judge Mosman explained that while there is no rule in federal court mandating how quickly trial must occur in civil cases, run-of-the-mill civil cases (non-IP, environmental, etc.) generally reach trial in federal court within 12-18 months.

Federal judges in Oregon often are willing to handle discovery disputes through telephone status conferences without the parties needing to file written motions. If the dispute is complex, motions may be necessary, but if the parties want to avoid the expense of motion practice, they should try an informal resolution process first by calling the assigned judge's staff. Judge Wipper said that Washington County judges also are willing to handle some discovery disputes by telephone—for example, disputes that arise during a deposition. The limitation is whether there is an available judge when parties call. Where a discovery motion is necessary, both judges emphasized that attorneys need to clearly and succinctly identify the discovery information at issue and the legal basis for the attorney's argument.

With regard to motions practice generally, attorneys should expect federal judges to have read all of the motion papers and the key legal authority cited by the parties before oral argument. Federal judges typically have two full-time law clerks that assist in preparing for oral argument by analyzing the parties' legal authorities and preparing a research memo for the judge. Some federal judges even send out questions in advance of oral argument that the judge wants the parties to address. The docket in Washington County is too busy to allow judges this much preparation time for motions hearings. While the judges try to read everything before oral argument, it is not always possible. Therefore, attorneys should be prepared to

use oral argument to teach the judge about the case and the issues, as well as to answer the judge's questions about the issues presented. The availability of judicial settlement conferences is also a difference between federal and state court. The federal judges often volunteer to serve as settlement judges for their colleague's cases (a judge cannot serve as a settlement judge for his or her own case).

If the parties in a federal case want a judicial settlement conference, they need to make the request to their assigned judge, who will then ask if one of the other federal judges will volunteer their time. This is a voluntary process, so parties are not guaranteed to get a settlement judge. The topic of judicial settlement conferences currently is being addressed by the Washington County Civil Bench/Bar Committee. Given current judicial resources and case loads, the active Washington County judges do not have the ability to serve as settlement judges, but the court does have pro tem judges who perform this service. A SLR is being drafted to address the procedures governing judicial settlement conferences. If Washington County receives additional judgeships so that judicial time is not spread so thin, the issue of making active judges available to serve as settlement judges will be reconsidered.

The final distinction the judges addressed was voir dire. In federal court, attorneys have little involvement in questioning the jury panel. The judge conducts the vast majority of the questioning based on the judge's practices and proposed voir dire questions submitted by the parties as part of their pretrial filings. Attorneys are allowed to ask only minimal follow-up questions, typically limited to less than 15 minutes. In state court, on the other hand, attorneys play the primary role at voir dire and have much more latitude in terms of time and topics about which they can ask.

For attorneys practicing in federal court, the Oregon Chapter of the Federal Bar Association publishes a judicial handbook that contains detailed questionnaires from all of the Oregon federal judges about their practices and preferences. This publication is available only to FBA members. If you have any questions about this resource or the FBA, contact Danielle Hunsaker, Larkins Vacura Kayser, LLP, dhunsaker@lvklaw.com



Changes to the Oregon Rules of Civil Procedure

Changes to the ORCP's are in the works. Lawyers who would like to give input to the committee are encouraged to check out the home page of the Oregon State Bar: www.osbar.org. Input to the Counsel on Court Procedures is due by November 22, 2016.

* * * * *

Oregon State Bar Board of Governors Election Region 4

Vote for your Region 4 delegate to the Board of Governors

<http://www.osbar.org/leadership/bog>

Candidates for one vacancy include:

Deena Bothello

Bik-Na Han

Eddie D. Medina



CLASSIFIEDS Space

Office Space - Bethany

10' X 17' Office in three-lawyer suite. \$1000 includes kitchen, conference room, library, assistant space, office reception. Free parking. Showers in bldg. 1500 Cornell West Building, on Bethany Blvd and Cornell, one block off Hwy. 26. Great for tri-county or mediation practice. Some overflow likely. Available now. Johnston Family Law. Call Bobbie or Ron

Classified advertising rates

\$20 for 50 or fewer words; \$40 for 51-100 words; \$60 for 101-150 words; \$80 for 151-200 words. If over 200 words, a quote will be provided upon request. Classified ads must be prepaid.

Please submit your classified ad via email to: washingtoncountybarnews@gmail.com.

Pay for your ad here:

www.wcbabar.org/newsletter-advertising.asp

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.



Law Library News: the Old and the New

Celebrating 90 years!

The Washington County Board of Commissioners will officially recognize our 90th anniversary on Tuesday, October 18 at their 10:00AM public meeting. Our Law Library Committee should be out in force, and Law Library supporters are invited to come show their support.

We will also hold an open house later in October. We hope you can join us, so keep your eyes open for an announcement.

New CLE Title Highlights

CLE season is upon us, and we have a number of new titles for those needing last-minute credits to fill in the gaps:

How to Draft a Contract: The Nuts & Bolts of Contract Drafting

The Complex Automobile Accident Case, Crash v. Accident? Winning Strategies from Seasoned Plaintiff and Defense Experts

Your Law Practice: Understanding Clients with Mental Illness

From the Start: Professionalism with Clients and Counsel

Your Law Practice: Should I Take It? Evaluating Potential Personal Injury Cases

Alzheimer's Disease and Other Dementias: The Continuing Pandemic Affecting Your Practice

Bull in a China Shop: Animals in the Workplace

Ethics! Navigating Issues in Juvenile Law

Disability Law for Higher Education

Representing Military Veterans in Oregon

Mastering the Art of Persuading Trial Judges featuring David B. Markowitz and Matthew Donohue

Our CLE collection can be checked out to members of the Oregon State Bar (up to 3 at one time).

Newer titles may not be processed and ready to borrow until the end of October - call if you want to borrow a specific title sooner.

Constitution and Citizenship Day

Thanks to Paula for putting up our Constitution and Citizenship Day display!

We had a number of people stop by and pick-up free pocket Constitutions.

Washington County Law Library
 111 NE Lincoln
 Hillsboro, OR 97124
 Phone: 503-846-8880
 Email: lawlibrary@co.washington.or.us
 Website: www.co.washington.or.us/LawLibrary/
 Facebook: www.facebook.com/WC.LawLib



**THE WCBA SEPTEMBER CLE & DINNER MEETING
ON WEDNESDAY OCTOBER 12, 2016**

CLE: The Client-Lawyer Relationship: How the Ethics Rules and
Common Sense Can Guide You From a Good Beginning to an
Even Better Ending

PRESENTED BY Sheila M. Blackford

And, just in time for Football Season. . . .

**Dinner Guest – Jim Gieringer, partner at Klarquist Sparkman, will be speaking about
Intellectual Property Issues in Football**

Date: Wednesday October 12, 2016

Time: CLE - 5:15 p.m. Cocktails & Dinner 6:30 p.m.

Place: The Old Spaghetti Factory, 18925 NW Tanasbourne Drive, Hillsboro, Oregon
97124

CLE Credit (Pending approval): 1 General Skills

PLEASE NOTE: To pre-register, please check the appropriate box below and email or send
via regular mail with the name of the attendee.

Payment will be taken at the door unless you would like to pre-pay on our website via the
Square.

We now accept all major credit cards at the door.

PRE-REGISTER:

WEBSITE: www.wcbabar.org

Email: wcba.association@frontier.com

MAIL: PO BOX 912, Hillsboro OR 97123

NAME: _____

- Dinner + CLE = \$30 (member)
- Dinner + CLE+\$40(non-member)
- Dinner only = \$15 (member and non-member)
- CLE only = \$15 (member)
- CLE only = \$25 (non-member)

WASHINGTON COUNTY BAR ASSOCIATION

2016-2017 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 & activities, the law library, etc. The *WCBA 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 2016 to August 2017)

(Note: new members have this fee waived for the first year!)

For your convenience you can now pay by credit card on our website, www.wcbabar.org

Payable to: **Washington County Bar Association**
P.O. Box 912
Hillsboro OR 97124

Name: _____ OSB# _____

Firm: _____

Address: _____

Phone/Fax/E-mail: _____

One application per attorney, please.

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

____ New Member Referred by: _____

____ Renewing Member