

In this issue:



President's Note	1
Did You Know & Law Library	3
New Lawyers & WCBA Events	4
Able Account Primer	5
March CLE	6
Mediation Seeks Volunteers	7

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



You know you're working too late at the office when a giant bug like you've never seen before creeps up on you and stares at you like you're part of the furniture. Our monthly dinners are a good way to get out of the office, socialize with other people, and learn new and interesting things. At last month's dinner we added a little more fun and revived our dinner raffle. The winning ticket entitles you to dinner at the next monthly meeting of the Washington County Bar Association. So, on Wednesday, March 8, we will hopefully see February's winner, Matt Kehoe.

Judges from the Oregon Court of Appeals were our dinner guests in February. We were pleased to have Judges Oretaga, Logeson and Chief Judge Erika Hadlock dine with us. Justices from the Oregon Supreme Court will join our dinner meeting in April.

Our March meeting will begin with a CLE presentation on updates in the appellate law regarding search and seizure. Our presenter will again be David B. Thompson of the Oregon Department of Justice. David always provides interesting and thorough updates.

Don't forget that March is our Staff Appreciate Dinner; please invite your staff!

As we announced last month, beginning in September, prepayment for our CLE's and Dinner will be requested. Payment at the door will include a late registration fee of \$5.00 which will be added to both the CLE and Dinner.

WCBA Newsletter

March 2017

Washington County Bar Association

PO Box 912

Hillsboro, Oregon 97124

Phone: (971) 238-2595

Published monthly, September-June

Deadline: 20th of preceding month

To make it easier for you to pre-register we have included a link to our online payment system in the attached flyer. If any of our members have questions about this please feel free to contact me.

February CLE Summary

Presiding Judge D. Charles Bailey gave a CLE on the State of the Court. For those of us who work and live in Washington County, it is no surprise that we are a growing county. In fact Washington County is one of the fastest growing counties in Oregon, with Deschutes, Crook and Polk counties.

With growth we will have inevitable growing pains. One only has to look around to see more traffic, higher property values, higher rents, and construction. It makes sense that when you have more people, you need more resources to handle the increase of people into all systems.

All indications are that within the Portland urban growth boundary, which extends to Forest Grove, our population will increase by as much as 540,000 by the year 2040. Meanwhile, it has been 14 years since the legislature created a new judicial position in Washington County. In 2002, the addition of one judicial position changed the judge-to-citizen ratio to one judge for every 32,000 citizens. We currently have one judge for every 42,000 citizens. This is a much higher judge-to-citizen ratio than our nearest, large neighboring county.

It is apparent that the high judge-to-citizen ratio has an adverse impact our court. While most people understand and support adding additional judges, like many things, it takes money. Hopefully the legislature will act to fund additional judicial resources for our county. Without additional resources justice will likely be delayed or greatly diminished for both criminal and civil litigants. As Judge Bailey pointed out, when the legislature adds a judge, it also must add support staff. Without support staff to help shepherd information through the system litigants can't get through the system in

(Continued on page 2)

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a reasonable time. Recently in our neighboring county, acceptance of family law filings was delayed because of unanticipated short staffing. Imagine the grinding progress with a continuous shortfall of staff and resources. This impacts both criminal and civil cases, but criminal cases take priority due to constitutional rights of the defendants. In an over taxed system, civil cases may not get timely dispositions.

In September 2015 I toured “legal” London with a group from Oregon Women Lawyers (OWLs). Our tour guide was a solicitor. She explained she was acting as a tour guide because she could not make enough money to support herself as a criminal defense attorney; Parliament had greatly reduced funding for criminal defense. In the U.K., unlike the U.S., attorneys cannot decide to hang out a shingle and practice whatever area of law they’d like. I remember thinking at the time that our system of justice in the U.S. is so important and that we must make sure we preserve it. In my opinion, and this is not necessarily a WCBA sanctioned opinion, a well-functioning judiciary is critical to our democracy.

Here is a link to find your legislator to express your opinion regarding court funding if you so choose: <https://www.oregonlegislature.gov/findyourlegislator/leg-districts.html>.

If you missed Judge Bailey’s CLE, you missed a lot of interesting facts and statistics about our local court system. For all the work our court and staff does, it is amazing (and much appreciated) that the court phones are still answered during all regular business hours and clerks continue to be so friendly.

The highlight of the evening, besides Matt Kehoe winning his next spaghetti dinner, was Judge Bailey’s nice words about Judge Letourneau who will retire soon. During our closing round robin, Judge Letourneau proved that not even our record snow could keep him from his rounds. He described his trek in the snow one day to be a bit more challenging than he initially anticipated. But by sitting on his handy yellow paperback of Advance Sheets, he was able to safely navigate his way. He even brought the book for us to see! More to come about Judge Letourneau in an upcoming newsletter. . .

You never know what you might miss if you don’t come to dinner. See you all next week!

Sincerely,
Kathy Proctor

WCBA Contacts

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Secretary Jennifer Peckham
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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.



Chief Judge Erika Hadlock,
Oregon Court of Appeals



Photos by
Kathy Proctor



Presiding Judge D. Charles Bailey,
Washington County Circuit Court

Did you Know?

Don't have Advance Sheets? If you would like to get regular updates and summaries on cases out of the appellate courts you can sign up for emails with Willamette Law Online or go to their website at <http://www.willamette.edu/law/resources/journals/wlo/> for a compilation of summaries.

Go here to register for regular email summaries of various courts: <http://www.willamette.edu/law/resources/journals/wlo/subscribe/index.html>

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Speaking of growth in Washington County, here's a link where you can find out some information about Beaverton's transportation plans:

Link: [www.BeavertonOregon.gov/ActiveTransportationPlan](http://www.BeavertonOregon.gov/ActiveTransportationPlan)

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If you have a handy hint or best practice that you would like to share, please let us know and we'll post it here.

Enjoy Writing or Photography?



Interested in submitting a newsletter article?
Have a photograph to share?
We welcome inquiries. Please contact WCBA
President Kathy Proctor by emailing
kproctor@proctorlawpc.com
or wcbabarnews@gmail.com

Law Library Update Online Resources

Free is Always Good, II

State of Oregon Law Library Digital Repository

The State of Oregon Law Library hosts a digital repository of Oregon documents. The repository is in the process of moving to a new updated site. New collections will be added to the updated site in the future. The current repository includes:

- Oregon Appellate Brief Collection 2006+ (Old Site) - <http://digitallawlibrary.oregon.gov/>
- [Oregon Attorney General Public Records Orders \(New Site\)](http://www.oregon.gov/oclerk/oclerk/oclerk.cfm) - <http://cdm17027.contentdm.oclc.org/>

Oregon Legislative Information System (OLIS)

OLIS is a state run repository of legislative materials starting with the 2007 regular legislative session. This site contains an increasing amount of materials. You can find the text of all bills since 2007. For more recent sessions audio/video of committee hearings as well as submitted documents are available.
<https://olis.leg.state.or.us>.

* Special thanks to Lewis Zimmerman of the State of Oregon Law Library for contributing information on these resources.

Washington County Law Library

111 NE Lincoln St.

Hillsboro, OR 97124

Phone: (503) 846-8880

Email: lawlibrary@co.washington.or.us

Web: www.co.washington.or.us/LawLibrary/

Facebook: www.facebook.com/WC.LawLib

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:
wcba.association@frontier.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:

wcba.association@frontier.com.

Washington County New Lawyer's Division

Thank you to the OSB New Lawyer's Division (NLD) for co-sponsoring our drop in social last month at McNally's Tap Room. The event was well attended by new lawyers, experienced lawyers and several judges. It was great to see everyone and get to know new members. The OSB NLD sponsored the food for us - thank you Mae Lee Browning. WCBA New Lawyer Committee Members are Rachel Edwards, Robert Harris and Danielle Hunsaker.

WCBA New Lawyer Coffee

New Location:
Insomnia Coffee



March 15, 2017

Washington County New Lawyers meet Wednesday of each month from 8:00am to 9:30am. This month we will meet at Insomnia Coffee located at 317 E Main Street (3rd & Main) in downtown Hillsboro. Come out and get your morning coffee, visit with some friendly fellow lawyers. I believe our local chapter of Oregon Women Lawyers may be there as well. Get your day started the right way!

~ Upcoming WCBA Events ~

March 8, 2017

CLE: Search and Seizure, David B. Thompson, Sr. Assistant Attorney General, Oregon DOJ
Dinner Guests: Staff Appreciation

April 12, 2017

CLE: Legal Research, Washington County Law Librarian, Lee Van Duzer
Dinner Guests: Supreme Court

May 10, 2017

CLE: Family Law
Dinner Guests: TBD
Annual Business Meeting - Elections Held

June 14, 2017

Spring Social, Location TBD

WCBA Events and Socials

Normally the WCBA sponsors CLE's and socials September through June each year. In more recent years we have included a WCBA New Lawyer Committee. This year we are considering adding an event or two based on member interest.

Coffee, Chocolate and Brew Bus Tour INTERESTED? READ ON

Possible Coffee, Chocolate and Brew Bus Tour in June or July this year. The WCBA is considering co-sponsoring a Brew Tour this summer with the OSB New Lawyer Division based on interest. This Brew Tour would likely be combined with a CLE on DUII law and may include some FST and intoxylizer demonstrations. We need a minimum number of people in order to plan this event and keep the cost reasonable. If you are interested in attending this type of tour CLE, please contact Kathy Proctor ASAP - kproctor@proctorlawpc.com.

Lawyers with Children?

If you would like to suggest a family friendly event that would include children, please contact me and we will do our best to help set this up.

If you would like to make a suggestion for an event, CLE or other 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.

Job Opportunity

FAMILY LAW ATTORNEY POSITION: Yates Family Law, PC, an AV rated Portland firm seeks an attorney with at least 5-7 years of experience in family law. Competitive compensation and full benefits. Send resume, with writing sample Attn: Office Administrator, Cecelia Connolly, cconnolly@yatesfamilylaw.com. All inquiries will remain strictly confidential.

The WCBA Newsletter publishes job announcements at no charge as a service to our members. If you have a local legal job posting please email your announcement to us by the 20th of the month to ensure that your posting gets in our newsletter.

Able Account Primer

By Sara Kearsley and Matthew C. McKean



Sara Kearsley

Stephen Beck Jr. was a father who, like many parents, wanted to help his daughter save for the future. But his daughter, who has Down Syndrome and received Social Security benefits because of her disability, was prohibited from saving more than \$2,000 without losing her valuable government benefits. Mr. Beck brainstormed with other parents and proposed a change to the law. That proposal became the Stephen Beck Jr. Achieving a Better Life Experience (ABLE) Act and was signed into law by President Obama in 2014. Oregon Senate Bill 777, signed in 2015, established a state ABLE Act program in Oregon. In 2017, the Oregon ABLE Savings Plan has now been implemented.



Matthew McKean

WHAT IS AN ABLE ACCOUNT? An ABLE account is a tax-advantaged savings account for individuals with disabilities. Federal needs-based programs, such as Supplemental Security Income (SSI), Medicaid, and Section 8 Housing Assistance, have limits on resources and income. A person receiving such assistance is allowed only up to \$2,000 in savings and risks losing benefits if he saves more. An ABLE Account allows a disabled individual to save money for future needs without risking the loss of government benefits.

WHO IS ELIGIBLE FOR AN ABLE ACCOUNT? ABLE accounts are available to individuals who are blind or have a disability, as defined by the Social Security Act, and whose blindness or disability started before age 26. Recipients of SSI or Social Security Disability Insurance (SSDI) are automatically eligible. Others must have a letter from a physician certifying that he or she is disabled and that the disability started before age 26.

HOW DOES AN ABLE ACCOUNT WORK? Individuals who meet the eligibility requirements can set up an ABLE account through the [Oregon ABLE Savings Plan](#), or an ABLE program in any other state. (Currently 15 states in addition to Oregon have open ABLE programs. Residency is not required and not all programs are the same, so shopping around in another state may be beneficial.) The ABLE account must be opened by

the disabled individual or one who has authority to do so on behalf of the disabled individual such as a conservator, or agent under a power of attorney. While the ABLE account holder may only have one ABLE account, the holder, her family, or her friends, can deposit up to \$14,000 into it, once set up. The total maximum deposit from all sources per year is \$14,000 -- no limits on who can contribute, only on the amount. The maximum amount that may be held in the Oregon ABLE account is \$310,000. However, once the account reaches \$100,000, any SSI benefits will be suspended until the account drops below \$100,000.

Investment earnings in the ABLE account are tax-deferred. Distributions for the benefit of the account holder, for a "qualified disability expense" (QDE) of the account holder, are tax-free. QDE's include: education, housing, transportation, employment training, assistive technology and related services, health, prevention and wellness, financial management, legal fees, funeral and burial costs, expenses for oversight and monitoring. Non-QDE distributions are allowed, but are included in the individual's gross income, which may affect eligibility for programs or income taxes. After the account holder's death, the balance is subject to Medicaid estate recovery.

WHY CHOOSE AN ABLE ACCOUNT? Estate planning attorneys have been utilizing special needs trusts for years to protect government benefits for disabled individuals who inherit, or will inherit, money from family members or friends. The Oregon ABLE Savings Program provides an alternative solution that may be a better option in some circumstances. An ABLE account allows for individual autonomy in allowing disabled individuals who have capacity to save and manage their own account in excess of the \$2,000 resource limit of many government assistance programs, no need to rely on a trustee. The tax-deferred status of income in the ABLE account contrasts with higher tax brackets for special needs trusts. An ABLE account costs less to set up because there is no need for an attorney to draft documents, as there is with a special needs trust.

ABLE accounts will not work or be appropriate in all situations, but they provide an additional tool for attorneys advising individuals with disabilities and their families.

For more information about ABLE accounts, see the ABLE National Resource Center at <http://www.ablenrc.org/>. For more information or to set up an Oregon ABLE account, see the Oregon ABLE Savings Plan at <http://oregonablesavings.com/>.

THE WCBA FEBRUARY CLE & DINNER MEETING ON WEDNESDAY, March 8, 2017

CLE: Search and Seizure
PRESENTED BY David B. Thompson
Department of Justice-Appellate Division

Dinner Guests:
Staff Appreciation

Date: Wednesday, March 8, 2017

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

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 Square. Please note that this event is a no host bar.

We now accept all major credit cards at the door.

PRE-REGISTER

Website: www.wcbabar.org

Click to pay online: <https://squareup.com/market/wcba>

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)

Volunteer Opportunity

Washington County Circuit Court Volunteer Mediation Program



Mediation Training Opportunity

40-Hour Basic Mediation Training

Volunteer mediators are needed to assist litigants in Small Claim and Landlord-Tenant (eviction) cases.

Our court-connected volunteer mediation program has helped litigants resolve their legal disputes for many years.

We are recruiting new volunteers from our community and offering a 40-hour basic mediation training.

This training will be offered in the Washington County Courthouse located in downtown Hillsboro on the following dates:

Friday, April 21, 2017
Saturday, April 22, 2017
Sunday, April 23, 2017
Saturday, May 6, 2017
Sunday, May 7, 2017

Application Deadline: 5:00 p.m. on Friday, March 31, 2017

Cost: \$50 (to be collected upon selection to participate in training)

Commitment after training: Mediate Small Claim or Landlord-Tenant cases at least one Monday each month for a year.

For more information about our court-connected mediation program and this mediation training, contact Washington County Circuit Court Mediation Coordinator Chris Stiefer at christina.stiefer@ojd.state.or.us or 503-846-8147.

Applications can be obtained from the Washington County Circuit Court Website: <http://courts.oregon.gov/Washington>.

150 N.1st Avenue
Hillsboro, Oregon 97124
Phone: 503-846-8147
Fax: 503-846-2835

