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WCBA Newsletter

May 2017

Washington County Bar Association
 PO Box 912
 Hillsboro, Oregon 97124
 Phone: (971) 238-2595
 Published monthly, September-June
 Deadline: 20th of preceding month

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

Greetings Everyone!

If you were unable to attend last month's dinner meeting and CLE, you missed Lee Van Duzer's presentation on Developments in Legal Research: From AI to Fast Case 7. As should be obvious to us all, the world of legal research is changing and we will all be challenged to keep up with technology. This includes new ways of researching and conducting discovery. There will likely be self-help programs for non-lawyers which will take users through a series of questions like TurboTax. Currently there is a program in London and New York called DoNotPay that has apparently allowed ticketed drivers to successfully challenge parking tickets. Well, the good news is, if you missed Lee's CLE, you know where to find him - at our local DeMar Batchelor Law Library on NE Lincoln St.

For dinner last month we were able to enjoy the company of several of our circuit court judges and even our new Justice Court judge, along with Oregon Supreme Court Justices Kistler and Nakamoto. Chief Justice Balmer was unable to attend due to unforeseen circumstances, but Justice Kistler expressed Justice Balmer's regrets and passed along the message that the Court strongly supports Washington County's need for a new judicial position due to our growing population.

This brings me to the topic of our local bar association. In order for the WCBA to continue to provide quality low cost CLE's and

provide a venue for our members to enjoy relaxing low cost meals together, our association needs to grow and change with the times. Currently we have a super hard working part-time administrative assistant, Amanda Lindley. You may also know her from calendaring at the Washington County Circuit Court, which is her full time job. For a long time I think Board members covered a lot of the administrative duties themselves, then for a long time we contracted with Julie Viner who was with us for years. Now that we have a part-time employee, we carry workers' compensation and errors and omissions insurance. This year we acquired our own power point projector for CLE presentations so we don't have to beg or borrow for future CLE's. Our newsletter is still put together by volunteers including Lee Van Duzer who makes it look so put together and professional.

Going forward, the Board wants to be able to prepare for the needs and growth of our membership so we can continue to provide interesting CLE's and networking opportunities. Our President Elect, Danielle Hunsaker, has designed a survey for our members. The survey will be sent to our membership separately from the newsletter. We sincerely hope everyone will donate some time to complete the survey. Results will be evaluated and used to provide the best experience we can for our members going forward into the future.

As always, if any member has a complaint, compliment, or suggestion, we would love to hear from you. Please feel free to email any member of the board or just see us at dinner and let us know.

Finally, please come to the Old Spaghetti Factory on Wednesday, May 10, 2017. We will be offering two CLE options. Attendees can choose between the Criminal Law Appellate Update on Search and Seizure, presented by David Thompson, or the Family Law Judges' Views: Everything You Wanted to Know and Weren't Afraid To Ask. Our presenters will be our own family law judges of Washington County.

Following the CLE presentations we will

(Continued on page 2)

(Continued from page 1)

have dinner along with our annual business meeting. Ballots will be available for the election of a new president and some new Board members. Your vote counts!

If you would like to be on the ballot please contact me no later than 5:00 PM on Tuesday, May 9, 2017.

Sincerely,
Kathy Proctor

Law Library Update: New Westlaw Content

We upgraded our Westlaw subscription and it now includes the following titles (not a comprehensive list):

American Jurisprudence
American Law Reports
Business and Commercial Litigation in Federal Courts
Causes of Action
Depositions: Procedure, Strategy, and Technique
Employment Discrimination Law and Litigation
FLSA Employee Exemption Handbook
Grand Jury Law and Practice
Immigration Procedures Handbook
Law of Chemical Regulation and Hazardous Waste
Medical Malpractice: Checklists and Discovery
Norton Bankruptcy Law & Practice
Opening Statements
Pattern Discovery: Tort Actions 3d Ed.
RCRA and Superfund: A Practice Guide
S Corporation Answer Book
Trial Objections Handbook 2d Ed.

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

WCBA Contacts

President Kathy Proctor
President Elect Danielle Hunsaker
Secretary Jennifer Peckham
Treasurer Benjamin Evans
Director Meghan Bishop
Director Matthew McKean
Director Zoe Bayham
Director Robert Harris
Director Rebecca Mehringer
Director Rachel Edwards
Director Rebecca Guptill

WCBA Email

wcbassociation@frontier.com

Newsletter Editor:

wcbabarnews@gmail.com

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Did you Know?

If you have an access card to enter the courthouse that you are not supposed to use it when you are conducting personal business at the courthouse? And, that if you have an item you are using as evidence that might be hazardous or dangerous, like a big bucket of paint thinner or a realistic looking toy gun. . . you should contact the court for instructions before bringing it to the courthouse? See the article on Washington County Circuit Court Prohibited Items for more information.

~~~~~  
*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.*

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## Professionalism Award

There is still time to nominate someone for the Professionalism Award. The award recipient will also be eligible for nomination for the Edwin Peterson Award presented by the Oregon State Bar Association. See the [April WCBA Newsletter](#) for details.

## A Message to Region 4 Lawyers

Dear Colleagues:

The OSB Board of Governors met April 14 at the Bar center in Tigard.

At our meeting we discussed the Legal Future Task Force's ongoing work including the possibility of licensing paraprofessionals to provide limited legal assistance to clients in certain family law and housing proceedings. The Bar has discussed this issue over the years, beginning with a special task force in 1992, but now that several other states - including California, Arizona, Washington, Nevada, and Utah - have adopted plans to license paraprofessionals, we wanted to look at the issue again. The Board will receive a full report and recommendations from the Legal Futures Task Force in June, but you can read the information we discussed in Exhibit B of the meeting minutes [here](#).

If you would like to view minutes from previous BOG meetings, click [here](#). Also, please do not hesitate to contact either of us with any questions or concerns you may have.

Guy B. Greco & Eddie Medina  
OSB Board of Governors  
greco@pioneer.net; emedina@osbar.org

## Attorney Fees in FED Cases: Head's up!

Supplemental Judgments for Attorney Fees following entry of the General Judgment must comply with the objection period provided in ORCP 68. Recently Supplemental Judgments have been submitted to the Washington County Circuit Court for signature accompanied by a UTCR 5.100 readiness certificate, but before the expiration of the 14 day objection period. Proposed Supplemental Judgments submitted before the expiration of the 14 day objection period will be denied as premature and not ready for judicial signature. Don't make extra work for yourself! Make sure you comply with the waiting period.

### 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](mailto:kproctor@proctorlawpc.com)  
or [wcbabarnews@gmail.com](mailto:wcbabarnews@gmail.com)



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1500 Cornell West Building, one block off Hwy 26. 10' X 17' Office in three-office suite with 2 family law attorneys. Includes kitchen, conference room, library, space for an assistant, office receptionist service. Phone and internet negotiable. Free parking. Showers in bldg. Great for tri-county or mediation practice. Some overflow likely. Available now. Rent: \$1,000/mo. Call Ron or Torah at (503) 226-7986



## Resignation of Attorneys from Family Law Cases and Submission of Judgments and Orders

By Hon. Kirsten Thompson\*

### Routine notices of resignation and motions to withdraw & Resignation of attorneys from Family Law Cases:

ORS 9.380 and .390 and UTCR 3.140 govern the change or resignation of attorneys. A court order is not required for termination of the attorney client relationship provided that the services required under the attorney and client fee agreement client have been completed. However, attorneys should be mindful that outstanding obligations assigned by the court must be completed before withdrawal will be granted.

A court appearance which results in a ruling that is to be reduced to an order or judgment will obligate counsel to submit an order or judgment before withdrawing from the case. Attorneys can expect that a failure to submit a judgment or order from a hearing will result in another hearing and an unsigned motion to withdraw.

In contrast, an attorney for a child appointed pursuant to ORS 107.425 remains counsel "...until resolution of pending pleadings," or upon further order of the court. Consequently, representation of a child continues until the pending petition or motion is concluded by entry of an order or judgment, and terminates automatically upon entry of a general or supplemental judgment. Counsel for child(ren) seeking to withdraw before the matter is concluded can be relieved only by motion and order. Be advised that the attorney for the child may be tasked with preparation of the order or judgment before representation is terminated.

The notice of termination of attorney-client relationship or a motion to withdraw by leave of the Court must comply with UTCR 3.140 by including contact information for the party, the new attorney ( if new counsel will be substituted), and the date of the trial or hearing. The attorney's fax number and email address, if any, must also be included.

### And, now about submission of judgments and orders:

After the Court has issued its ruling, the Court will inquire as to which party will prepare the judgment/order, or will direct a party to do so. A 28 day notice of dismissal of the case or motion will be generated by the Court. The Court presumes that the document can be prepared within 2 weeks; sent to the other side allowing one week for review; revision if necessary; and then filing in the fourth week. If that timeline does not work because of complex drafting issues, work load, or schedule issues, Attorneys should inform the Court up front so that a different timeline can be established. Brief extensions can usually be

provided by the Court. The documents should be efiled within the Court's deadline.

Attorneys need to make sure that the judgment includes a certificate of service and a UTCR 5.100 certificate, whether or not the parties agree on the form of judgment. If the parties disagree on the form of the document, then the certificate of readiness should include the bases of objection, if known. The submitting attorney needs to inform opposing counsel to submit any objections to the Court and should inform the Court, in a separate document, if a hearing seems appropriate. Please remember that comments accompanying your submission will disappear upon acceptance of your document, so place important information in your pleadings, or in a brief cover letter.

UTCR 5.100(3) provides:

- "3. [ ] I have served a copy of this order or judgment on each party entitled to service and:
- "a. [ ] No objection has been served on me.
- "b. [ ] I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
- "c. [ ] After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.

Neither attorney needs client approval of the document prior to submitting it to Court so long as it reflects the Court's ruling. Sending it to the client with a short window for response is fine, but should not be allowed to stall the process. As an officer of the Court the designated author must submit the proposed judgment/order to the Court even if the client instructs otherwise.

If an attorney feels ethically required to withdraw knowing that an order or judgment needs to be submitted, please file a motion to withdraw rather than a notice of resignation and inform the Court of the outstanding submission requirement; the Court is likely to deny the motion, but then the attorney has made a much better record of the attorney's efforts to represent his or her client, and follow the Court's orders. See ORPC 1.16 for more guidance. A lawyer may be ordered to continue representation notwithstanding good cause to withdraw.

*Contributions by Hon. Donald Letourneau and Hon. Ramón Pagán; edited by Hon. Keith Raines and Hon. James Fun.*



## Washington County Circuit Court Prohibited Items

By Annette Cornish, Court Management Asst.

Court security officers intercept prohibited items at public entrances of the Washington County Courthouse, Justice Services Building and Juvenile Services Building. Members of the public --- including your clients --- attempting to bring prohibited items into court facilities will be denied entrance and/or their prohibited item property will be confiscated. Court security officers do not hold property for members of the public, other than jurors. Please share this information with your clients, witnesses and others so that they are not delayed entry, which risks them being late for their scheduled court appearances.

Attorneys with court-issued magnetic key cards may bypass entrance security screening into the Courthouse complex. As an Officer of the Court, you are obliged not to bring prohibited items (or unauthorized persons) with you into court facilities. Doing so may result in the loss of your security bypass privileges. NOTE: Attorneys may request presiding judge approval to bring prohibited items (e.g., laser pointer for

courtroom presentations) into court facilities.

Washington County prohibits the following items from being brought into court facilities. Other weapons and potentially dangerous items not on this list may also be prohibited. As you can see, some common, everyday items are not allowed in court facilities. **Top intercepted prohibited items are shown in bold.**

Alcoholic drinks, **aerosols/flammables**, ammunition, box cutters, carabiners, corkscrews, **chain wallets**, dog choke chains, drug paraphernalia, fireworks, guns, hand cuffs and cuff keys, hazardous materials, ice picks, **knives**, laser pointers, **multi-tools/Leatherman, mace/pepper spray**, martial arts weapons, needles (knitting, etc.), razors/razor blades, **scissors**, skateboards, sling shots, swords, stun guns/Taser, tools, **torch lighters/Zippo**, and toy guns.

In March 2017, court security officers screened 40,361 patrons into Washington County court facilities. Top intercepted prohibited items were: 190 aerosols/flammables (including perfume and hairspray), 20 chain wallets, 141 knives, 27 multi-tools/Leatherman, 21 mace/pepper spray, 58 scissors, and 34 torch lighters/Zippo.

Tracking Dates: Approvals, Terms, Appointments, Oaths & Assignments

Washington County Pro Tempore Judges

Updated 2/15/2017

| Last Name | First Name | Approved by<br>Supreme Court<br>(Y or N) | Current<br>3-Year Term<br>End Date | Appointed<br>(Y or N) | Current<br>Appointment<br>Start Date | Current<br>Appointment<br>End Date | Oath<br>(Y or N) | Oath Date  | Judicial Assignment   |
|-----------|------------|------------------------------------------|------------------------------------|-----------------------|--------------------------------------|------------------------------------|------------------|------------|-----------------------|
| Brisbee   | Larry      | Y                                        | 2/10/2018                          | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 6/30/2009  | SC on Mon PM          |
| Gordon    | Marsha     | Y                                        | 3/6/2017                           | Y                     | 1/3/2017                             | 3/6/2017                           | Y                | 1/22/2002  | SC (& FED cover)      |
| Davis     | C. Thomas  | Y                                        | 2/10/2018                          | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 7/8/2009   | SC on Mon PM          |
| Karpstein | Gregory A. | Y                                        | 2/10/2018                          | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 7/2/2009   | SC on Mon PM          |
| Knowles   | John       | Y                                        | 10/11/2019                         | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 1/4/2011   | SC (& CV Settle Conf) |
| Marble    | Timothy    | Y                                        | 2/10/2018                          | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 6/30/2009  | SC on Mon PM          |
| Pope      | Robin E.   | Y                                        | 2/10/2018                          | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 6/30/2009  | SC on Mon PM          |
| Vames     | Paul       | Y                                        | 5/12/2019                          | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 5/19/2016  | SC (& CV Settle Conf) |
| Winegar   | Doris C.   | Y                                        | 2/10/2018                          | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 7/7/2009   | SC on Mon PM          |
| Yee       | Pamela E.  | Y                                        | 2/10/2018                          | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 7/2/2009   | SC on Mon PM          |
| Bier      | Lillian    | Y                                        | 2/10/2018                          | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 7/2/2009   | FAPAs on Th PM        |
| DeBast    | Paul       | Y                                        | 2/10/2018                          | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 7/9/2009   | FAPAs on Th PM        |
| Gannett   | David      | Y                                        | 10/11/2019                         | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 9/28/2010  | FAPAs on Th PM        |
| Guptill   | Rebecca    | Y                                        | 5/12/2019                          | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 5/19/2016  | FAPAs on Th PM        |
| Pekelder  | Ruth       | Y                                        | 10/11/2019                         | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 12/20/2013 | FAPAs on Th PM        |
| Rask      | Thomas     | Y                                        | 2/7/2020                           | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 6/27/2011  | FAPAs on Th PM        |
| Soriano   | Gregory B. | Y                                        | 2/10/2018                          | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 8/4/2009   | FAPAs on Th PM        |
| Velazquez | Amy        | Y                                        | 10/11/2019                         | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 2/4/2014   | FAPAs on Th PM        |
| Rini      | Michele    | Y                                        | 2/7/2020                           | Y                     | 1/3/2017                             | 12/31/2017                         | Y                | 6/13/2005  | Juvenile, FED & SED   |

Done serving after 3/6/2017

Retired and inactive with OSB



## WCBA New Lawyers Coffee

Insomnia Coffee  
Downtown Hillsboro

May 17, 2017  
8:00am to 9:30am



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



WCBA New Lawyers/Oregon Women Lawyers Coffee in April after an enjoyable game of Yahtzee.



*Jeffrey Matthews, Partner*  
*Fellow of the American Academy of Matrimonial Lawyers (AAML)*  
*Listed in The Best Lawyers in America*  
*Rated AV Preeminent by Martindale Hubbell*

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1/2 page \$90

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# THE WCBA MAY CLE & DINNER MEETING ON WEDNESDAY, MAY 10, 2017

## CLE: Search and Seizure

**PRESENTED BY David B. Thompson, Department of Justice-Appellate Division**

\*\*\*\*\* **OR** \*\*\*\*\*

## CLE: Family Law Judges' Views: Everything You Wanted to Know (and Weren't Afraid to Ask)

**PRESENTED BY Family Law Judges of Washington County**

**Date:** Wednesday, May 10, 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. *Please designate which CLE you will be attending.* Reserve your spot now.

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.

**While we gladly accept payments at the door, we appreciate your RSVP for dinner a minimum of 24 hours in advance so the restaurant can properly plan their staffing requirements. Thank you for your consideration.**

### PRE-REGISTER

Website: [www.wcbabar.org](http://www.wcbabar.org)

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

Email: [wcba.association@frontier.com](mailto: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)

In this issue: Past President's Note 1

Summer Social Pictures  
All pages!



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



## Immediate Past President's Note

By Kathy Proctor  
WCBA President

EXTRA! EXTRA!

The WCBA decided we had so much fun at the Summer Social we wanted to send out this extra photo edition of the Newsletter.

We hope you enjoy the photos and we'll see you in the Fall!

Sincerely,  
*Kathy Proctor*

Thank you to the sponsors of the WCBA Summer Social!

Harris Law Firm

Proctor Law PC

*Top Right: Kathy Proctor presents John Knowles with the 2017 WCBA Professionalism Award.*

*Bottom Right: Kathy Proctor presents Arthur Saito with the 2017 WCBA President's Award.*

*Photos courtesy of Kathy Proctor.*

# WCBA Newsletter

## Special Edition: Summer 2017

Washington County Bar Association  
PO Box 912  
Hillsboro, Oregon 97124  
Phone: (971) 238-2595  
Published monthly, September-June  
Deadline: 20th of preceding month







## WCBA Contacts

President Danielle Hunsaker  
President Elect Edward Kroll  
Immediate Past President Kathy Proctor  
Secretary Jennifer Peckham  
Treasurer Benjamin Evans  
Director Zoe Bayham  
Director Ralph Gzik  
Director Robert Harris  
Director Bryce Kaufman  
Director Matthew McKean  
Director Rebecca Mehringer  
Director Brandon Thompson

### WCBA Email

[wcba.association@frontier.com](mailto:wcba.association@frontier.com)

### Newsletter Editor:

[wcbabarnews@gmail.com](mailto:wcbabarnews@gmail.com)

*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.*



*Top: Kathy Proctor presents John Knowles with the 2017 WCBA Professionalism Award. Photo courtesy of Arthur Saito.*

*Bottom: WCBA Administrative Assistant Amanda Lindley and Past President Kathy Proctor. Photo courtesy of Kathy Proctor.*



*Above: John Knowles and friend. Photo courtesy of Kathy Proctor.*





*Photos courtesy of Ardiri Vineyards.*



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