



NOVEMBER/DECEMBER 2020

COMING EVENTS

- Starting January CLEs will resume as virtual, topics TBA.



PRESIDENT'S MESSAGE

Over the last few months, the WCBA Board has met and implemented several changes. The biggest change relates to the frequency of newsletters

we will be issuing for the foreseeable future. Until the conclusion of the current pandemic, the WCBA will be issuing the newsletter every two months instead of on an almost monthly basis. At that time, we will reassess the frequency.

The decision to reduce the number of issues per year from approximately nine to six was not taken lightly. As a board, we want to make sure our members are receiving relevant and timely updates. In the past, court updates were often planned well ahead of time and issued with less frequency. Previously, we were able to update our members in a meaningful manner through monthly newsletter updates. If, on the rare occasion, the update was more urgent, we would issue a blast email while simultaneously making a post to our Facebook page. In today's world, updates are coming much more frequently. These updates often impact how we serve our clients and are better distributed by blast emails and Facebook posts. We have been tracking the number of views and shares each post gets, including the timeframe from initial post to viewing, and the statistics support the decision to continue updates through Facebook and email blasts. If you are not following the Facebook page, please do so. As to the newsletter, we have not reduced its size but instead focused on providing more in-depth content for members. Please let me know what you think of the new format and if you have had any issue accessing the Facebook posts and email blasts.

I would also like to thank Rebecca Mehringer for all her years of service to the WCBA. Without Becky, several items

WCBA CONTACTS

President:	Ralph Gzik
President-elect:	Tyler Beach
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behind the scenes would never get done. From all the board, we wish Becky a long and happy retirement.

Based on the recent updates and changes made to the board and newsletter in 2020, I am confident in saying 2021 is going to be a good year. If you have any questions or comments, please feel free to email me or any of the other board members directly. We love to receive feedback on how we can continue to assist members. Please also make sure to support the community at-large through several of the programs listed in this newsletter including a special alternative to the annual toy drive.

Ralph E. Gzik
WCBA President



ACCESSIBILITY OF JUSTICE IS ACCESS TO JUSTICE

Hon. Miranda Summer

For most of my life, I can't say I thought too much about accessibility. I was lucky, like so many people, to be born in a world that was built for me. A few years ago, that changed when an illness left me with severe hearing loss. I had limited mobility and used a walker, then a cane for several months. I was regretful that I hadn't considered these issues until they personally affected me, and I set to work making my practice accessible to everyone. Now that I am on the bench, I continue to consider how the legal community can improve access to justice.

In practice, it's important to consider clients, employees, as well as opposing counsel and the courts. A great place to start is considering the accessibility of your firm's website. As the US population ages, making a website more accessible is good business sense, while also advancing justice for marginalized populations. Add an accessibility widget to your website, such as the one available from [Userway](#), so everyone will be sure to know what you have to offer. These widgets enable your website to be accessed by screen readers, can modify text to be dyslexia friendly, and pause flashing animation, among other things. They will also inform potential clients of your support and accessibility. Inclusion, as previously noted, is good for business, and also just the right thing to do.

Communication and strong relationships, as always, are key to successful client support. Have an American Sign Language (ASL) interpreter that you trust available for client meetings and use virtual meeting applications that have captioning capability. Travel to the homes of clients with mobility restrictions. Read documents aloud to clients and give those that need it time to process the information. Don't be afraid to ask a client what works for them.

The legal community can do more to support attorneys with disabilities. This year the American Bar Association released a first-of-its-kind study examining the experience of attorneys who self-identify as having a disability. 38.5% surveyed experienced subtle, unintentional biases and 21.7% experienced subtle, intentional biases. These numbers go up if the lawyers have intersectional identities, such as being LGBT. Fewer than half requested accommodations in the workplace.

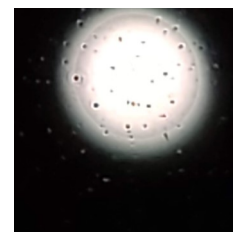
I have seen these biases firsthand. For instance, every time I attend an event with standing tables, I wonder how someone in a wheelchair might be able to participate in the social hour component. Speakers don't typically have ASL interpreters readily available, virtual events don't use applications with captions, and Facebook groups for affinity bars don't have image descriptions. A good solution to resolving these gaps would be increasing disability representation in professional leadership positions.

The fear of asking for accommodation is very real and personal to me. The legal profession, even in a collegial community like Oregon, is adversarial in nature. Asking for accommodation feels like it is revealing a weakness. My disability was sudden and traumatic, and I felt valueless for a time. It wasn't until I met other attorneys with disabilities, who were so vibrant and whose skills were so apparent, that I remembered I have much to offer myself and that I deserved the same seat at the table as others. So now I request and expect accommodations. I would love to see the legal community go a step further and offer them without request.

Now that I'm a judge, I continue to search for ways to make the justice system accessible to all. Sometimes this is as simple as considering whether an invisible disability is a factor in a party's presentation. Someone who appears to have difficulty tracking a court hearing may have difficulty with hearing or concentration. It is, of course, critical that parties understand the proceedings, and judges and attorneys alike should carefully consider what may aid a party in that pursuit.

It can be helpful for the court to hear in advance about necessary accommodations. Consider filing a Notice of Accommodation with the court, indicating your client's needs. The court can then consider these needs when scheduling the day. Speak up if your client's needs aren't being met. Don't be afraid to think outside the box on what might be useful. For instance, you may have a client who cannot sit for extended periods of time and needs breaks to lay down or otherwise move. Perhaps texting a client questions during a hearing is easier than writing notes or whispering. Maybe counsel table needs to be moved to accommodate a mobility device. I have yet to meet a judge that was unwilling to work with a party or an attorney on these issues.

I often tell people I feel fortunate that my illness occurred now and not ten years ago. Had I lost my hearing even five years earlier, I would not have had access to as many tools and resources as I do today. The world is paying more attention to inclusion, finding creative ways to make a place for everyone. And accommodations are often easier to provide than people expect. Even simple solutions that take almost no time or effort to implement can change a client's entire experience with the legal community and justice system. As advocates, we have a unique opportunity to be at the forefront of the accessibility movement by simply being aware and making room for everyone at the table.



JUDGE RAINES TO RETIRE AFTER 19 YEARS ON THE BENCH

Mindy Stannard

Judge Keith Raines was appointed to the Washington County bench in 2001 by Governor John Kitzhaber. After a long history of volunteering in the community and working to try to improve both the court system and access to justice in our community he will retire as of January 1, 2021.

In 1972 Judge Raines received his undergraduate degree from Lewis & Clark College. He was an investigator at the downtown Portland office of Metropolitan Public Defender, where he served for two years as a Jesuit Volunteer after receiving Conscientious Objector status. In 1973 Judge Raines worked as an investigator while helping Stu Cutler and Ladd Bowman set up the Washington County office for Metropolitan Public Defender and he continued to work at that office until 1976.

Subsequently Judge Raines enrolled in the night school program at Lewis & Clark Law School but found himself rarely making it to class because of work conflicts. He planned to work in Hillsboro with Mike Watkins (who is now retired) but was persuaded to work in inner city Portland by Roosevelt Robinson (who later became a judge) in a general practice law firm where he served as local counsel for several major civil rights employment cases. Judge Raines and Judge Robinson went broke together and Judge Robinson went to work for the District Attorney's office (and moved into Judge Raines's house). Judge Robinson introduced Judge Raines to the African American community where people were welcoming and accepting. Judge Raines had no idea about cultural

differences, and he reports that his time with Judge Robinson was the best and most enriching experience he had in his life.

In 1979, Judge Raines opened St. Andrew Legal Clinic with Tom Caruso, an attorney who gave up a very lucrative practice to start the Clinic. With the financial help of many friends and lawyers, the office succeeded; they had several excellent lawyers work with them. One, Sandra Hansberger, convinced them to focus solely on family law, as the greatest unmet need in the community. This huge leap of faith was rewarded when the Oregon Law Foundation was created and helped fill St. Andrew Legal Clinic's financial gap. Because of his past work in Washington County, Judge Raines kept approximately 25% of his cases here. This led the Washington County judges to ask him to open a local branch of St. Andrew Legal Clinic.

When the board of St. Andrew Legal Clinic did not authorize a Washington County branch, Judge Raines quit St. Andrew Legal Clinic in 1995, borrowed some money and opened what was then called St. Matthew Legal Clinic (named after the local Catholic church). The office thrived thanks to the help of amazing friends and lawyers who were committed to access to justice in our community. In 2000, Judge John Lewis convinced both Kirsten Thompson and Judge Raines to be pro tem judges for the Washington County Circuit Court. Judge Raines and Judge Thompson both worked part time as pro tem judges handling the FED, FAPA, small claims, and Juvenile dockets. Judge Raines turned St. Matthew Legal Clinic over to St. Andrew Legal Clinic (with a healthy bank account), and he worked a nearly full (80%) case load at St. Andrew Legal Clinic while continuing to handle a part time pro tem docket (working very long days during this period).

As a lawyer, Judge Raines served as the first chair of the Multnomah Bar Association (MBA) Alternative Dispute Resolution Committee and was on the MBA Court Liaison Committee. He served on the Fee Arbitration Panel, Lawyer's Assistance Committee, and Disciplinary Trial Panel for the Oregon State Bar. Judge Raines was the chair of the Oregon State Bar Judicial Administration Committee, and, with the help of many others, pushed through court consolidation in 1994. He was the Secretary of the Albina Ministerial Alliance, President of Albina Rotary, and served on several other boards.

On the bench, Judge Raines helped create the Juvenile Drug Court and served as the drug court judge for about 18 years. He set up the Arbitration Panels by making 18 phone calls to lawyers who were members of the Washington County Bar Association, each of whom said yes. He led teams of local attorneys to help the court's clerks get caught up on filing on several weekends. He served as Chief Family Law Judge for about 10 years, and co-founded the Family Justice Center of Washington County and served as Board Secretary until 2019. He also

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served as the Chair of the Judicial Department Family Law Subcommittee since its creation, organized and wrote sections of the bench book, offered mentoring services to new judges, and conducted training webinars for judges. He currently serves on the State Family Law Advisory Committee and co-chairs the education and (soon to be revived) child support subcommittees. Outside the courts he rejoined NAMI of Washington County as board secretary, having served for many years as president, and is the Board President of Birthright of Hillsboro.

Judge Raines passes on the following words of wisdom:

The court staff are wonderful and remarkably hardworking despite very difficult and demanding circumstances. I personally enjoy and like each of my colleagues even when I disagree with them. My own court staff has kept me from making many errors and match or exceed my work ethic. My accomplishments have largely relied upon others to initiate and carry forward. I am grateful for the tolerance and kindness of the people around me. My high school's motto is "AGE QUOD AGIS," loosely translated to: "Do well what you are doing." My corollary is: "Do something good and others will help you make it better."

Judge Raines likes and cares about the litigants and the lawyers that appear before him and hopes that his efforts improve the circumstances of the people that appear before him rather than making them harder. Judge Raines looks forward to spending more time with his wife, children and grandchildren. He plans to participate in the Plan B program for retired judges and to work as a mediator and arbitrator in Oregon. He also hopes to also get back to hands-on volunteer work in the community once the pandemic ends.

COURT IN THE TIME OF COVID

Tyler Beach

Things are weird right now. When in a pandemic we all must strike a balance of adequately representing our clients and keeping ourselves, not to mention everybody around us, safe. The worry of many right now is how we accomplish both. As most of us know, Washington County has been limiting criminal jury trials to in-custody defendants. However, starting in October, some misdemeanor out of custody jury trials have remained on the docket. So, what do we do if our clients want trials?

Many defense attorneys are opposed to any trials during COVID. The belief is that there are no effective ways to conduct a trial while maintaining proper social distancing. A balance must be found between safety and effective representation. What do we do when our clients demand a trial? In many domestic violence cases our clients cannot see their families or go home. They often want trials as soon as possible. In those cases, we either have to try the case or withdraw. Ultimately, somebody has to represent those clients. For instance, in one of my trials in October, my client had been on a release agreement with a no contact order with his wife for almost a year.

It appears court staff is trying to create a safe environment for the jurors themselves. Jury trials in felony cases now have jury selection in smaller panels of jurors to limit the number of people in the courtroom. The jurors are well



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spread out and remain that way throughout the trial. Instead of small jury rooms, jurors are often placed in other, empty courtrooms for their deliberations. However, even then, there are usually more than twenty people in the courtroom. With misdemeanors, you end up with six jurors after jury selection, so the number of people in the courtroom remains small.

I have not had any jury trials since the start of COVID, however, I have had two criminal bench trials in October. The biggest issue for many is trying to figure out how to effectively communicate in a safe manner with clients during the trial. I agree that this can be difficult at times. However, there are some ways to do this safely. For instance, during my trials, my client and I sat at fairly large tables and had approximately six feet between us. We wore masks the entire time, without exception. I am sure, if asked, any judge would allow well more than six feet separation.

Separation is great, but how do we communicate? I have a couple of ideas here as well. One idea is for you and your client to each have a legal pad. Any information or questions can be written down and shown to the client. The client can write a response and show the attorney. It's low tech, but it works. Another idea is for the attorney to use a computer or tablet in the same manner. Information can be passed quickly and the client can write back on the pad of paper and pass the information back. I used the pad of paper technique and found it effective. If those don't work, I would guess that most judges would take breaks to allow a conversation between attorney and client outside of the courtroom.

This is not an ideal time to be a trial attorney. However, there are ways to be both safe and to honor our clients' wishes. The decision as to how to proceed right now is a personal one and we all need to take this pandemic seriously. Ultimately, it is up to all of us to take the appropriate measures to protect ourselves while representing our clients' rights.



CLASSIFIEDS

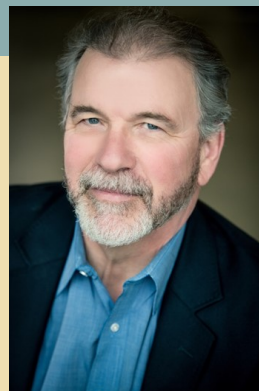
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TAKE HEED LAWYERS: OUR WORLD HAS CHANGED

Larry A. Brisbee

This year the Campaign for Equal Justice has entered its 30th year of joining with literally thousands of Oregon lawyers in supporting the legal aid system that provides legal services for those in need regarding civil matters but are unable to pay for those services. Over those many years the Campaign and Oregon lawyers have raised more than \$30M and directed it toward providing legal services for the poor. A significant sum by any measure.



During the 2019-2020 campaign we set an all-time record. More than 3,000 of us gave over \$1.8 million dollars to provide legal services to our vulnerable neighbors. This is a milestone worthy of celebration. However, we know that despite our success in engaging lawyers to support legal aid, we are only able to meet about 15% of the legal needs of low-income Oregonians. In other words, 85% of the poor who need legal help must go without. We also know that this situation places a significant burden on the entire justice system. Fortunately, the legal aid lawyers, 112 in number and spread across the state, have made the most of what has been provided. They have shown innovation, versatility and a deep commitment to those they serve.

The foregoing sounds very good, except the COVID-19 pandemic and massive wildfires came to Oregon. Simply stated, as a result of this pandemic and the fires, our world has changed and much of that change will likely be permanent. No one could have predicted what has taken place in Oregon or around the world over the last several months.

The need for legal services is often driven by what is happening in our economy. When the economy suffers through a decline, the need for legal services invariably goes up. Over the last several months an unprecedented downward turn occurred in virtually every aspect of our economy that would have an impact on the poor. It is seen most vividly in the sudden closure of businesses, the loss of jobs, the disappearance of one's income and the loss of things like the ability to put food on the table, to pay the rent, to access medical help, and more. As lawyers we know that a scenario like this produces the need for meaningful legal help.

An article authored by Janay Haas entitled "Thinking Bigger, Digging Deeper, Campaign for Equal Justice Marks Its 30th Year" appeared in the most recent edition of the

OSB Bulletin. It provided a comprehensive account of the Campaign's history but also added some observations about what has recently happened and the impact. Businesses closed their doors with the lockdowns and thousands of people within the poverty population lost their jobs. As a result, the unemployment rate that had been coasting along at about 3.4% in 12/19 suddenly spiked to 14.9% in 4/20. It should come as no surprise that among those hit hardest were low income workers. The inability to put food on the table or pay the rent for shelter became a nightmare for many which was aggravated by long delays in the distribution of pandemic relief funds. Circumstances like these that will likely go on for an extended period of time provide the groundwork for disputes ranging from landlord-tenant issues to domestic violence and everything in between. As lawyers this should come as no surprise and is a strong signal for the increase in the need for meaningful legal services.

The well-known proverb of "when the going gets tough, the tough get going" would seem to apply to the dilemma that we all now confront in our respective communities and likely to confront going forward. In other words, as the conditions become particularly difficult and unpleasant those with strength of will and character to do the right thing to carry on become even more determined. Most lawyers, if not all, know what this is all about in representing clients stressed by the dilemmas they face. We know the myriad of problems our clients confront and we know how bad it can get when those without legal help are trapped in a legal system they do not understand. Here is an opportunity to make a big difference in the lives of many who are now suffering through the bottom falling out of the economy they know. Those suffering the most are the most vulnerable and the least able to tolerate it.

The COVID-19 pandemic has had an enormous impact on virtually all aspects of our business and social interactions. Varying degrees of lockdowns have created real challenges that have led to many law offices and other businesses to shift their existence to work-at-home models. The Campaign has been confronted with similar challenges with its fundraising programs. New and innovative approaches to serving clients has become necessary. So it is that the Campaign is making this appeal to Oregon lawyers located in the Hillsboro region. Take a moment and view this opportunity through your mind's eye about what you can do to meaningfully soften the blow for those in dire need of legal help and cannot afford to pay for it. If every Oregon lawyer donated \$30 to the CEJ to commemorate their 30th anniversary, we would raise over \$400,000 for legal aid. To learn more about how to donate please go to www.cej-oregon.org. Together we can make a difference!

WASHINGTON COUNTY DISTRICT ATTORNEY'S OFFICE WORKING TO KEEP KIDS SAFE ONLINE

District Attorney's Office

Online distanced learning. TikTok, Instagram, Snapchat, Facebook and video games. Let's face it, these days our children are more connected to the internet than ever before. Unfortunately, cyber predators know this as well. They are using tried-and-true methods and developing new strategies to exploit children online.



The Washington County District Attorney's Office is working to adapt to these new threats to protect children. Recently, Senior Deputy District Attorney Andy Pulver, who oversees the Child Abuse Team, issued [this video warning](#) to parents. SDDA Pulver has prosecuted cases involving child abuse for years and knows firsthand the strategies these predators use to take advantage of children. He recommends parents keep the following advice in mind when it comes to digital devices and our children:

- **Don't overshare.** Make sure your children know not to share personal information online. Birthdays, phone numbers and addresses are among some of the most common things people share. Scammers and predators can use this information to take advantage of you.
- **Search the web.** Conduct regular internet searches to ensure this sensitive information pertaining to your children isn't on the web.
- **Check privacy settings.** Make sure your kids use privacy settings to restrict access to their online profiles. Tell your children to be extremely wary when communicating with anyone online who they do not know in real life.
- **Beware of online child sexual exploitation.** This is when a predator forges a relationship with a young victim online and then later arranges to meet and abuse the child or coerces a child into producing sexually explicit images or videos through manipulation, gifts, or threats. To help prevent this, explain to your kids that once images or comments are posted online, they can be shared with anyone and never truly disappear.

SDDA Pulver has developed an extensive presentation with much more information on how to keep children safe online. Our office will be hosting a Zoom webinar on Thursday, December 10th from 5:30-6:30 p.m. We hope you can join us. To access the Zoom meeting, [click here](#). Our office will also stream the discussion live on our [Facebook page](#).

LAW LIBRARY OFFERS REMOTE ASSISTANCE

Washington County Law Library

The Washington County Law Library is only offering remote assistance as of November 18, through at least December 2—see our website or Facebook page for updated information.

We are focusing on how we can help patrons, so please reach out if you need access to our resources. We offer expanded online access, and document delivery. We can also reach out to colleagues around the country if we don't have what you need.

eBooks

We are exploring Lexis's ebook platform as an option to make some titles remotely accessible. It's too early to promise anything, but Lexis's Oregon titles include *Oregon Rules of Civil Procedure Annotated*, *Oregon Evidence* by Kirkpatrick, and *Employment in Oregon*.

Nolo Updates

The Law Library recently updated a number of Nolo self-help titles. We won't list them all here, but these can be useful for attorney's exploring new areas of law, or for clients who need a primer on their legal topic. Among the areas covered are bankruptcy, criminal law, divorce, estate planning, and intellectual property.

On the Lighter Side

If you haven't seen it, a pair of federal judges in Texas sing "We'll be Back" [from COVID-19] to the tune of "You'll be Back" from Hamilton at youtu.be/-TJ1ohwAsqY.

The [Washington County Law Library](#) is a free legal research resource for all. Contact: (503) 846-8880, or lawlibrary@co.washington.or.us.



DA'S OFFICE WELCOMES NEW HIRES

Amberlynn Howell



I go by Ambi. I'm originally from a (too) small town in Washington. I did my undergraduate degree at UW in Seattle and then I moved to Oregon to go to law school at Willamette. Being a first generation college graduate and first generation graduate student, I didn't know what I wanted to do with my JD, but I knew I wanted to be in the courtroom litigating. After I worked at MCDA for a year, I decided I wanted to be a prosecutor. Being a prosecutor, I could do the right thing, help people, and feel good about the work I did in my community. I'm so thankful to be at Washington County DA's Office as a new DDA!

Vince Leone



I'm originally from New Lenox, IL. I went to the University of St. Francis and studied US History and Political Science. I then attended Notre Dame for law school before being admitted to the Oregon bar. I became a prosecutor in order to use my legal education in a way that will serve the community.

Christina Luedtke



I graduated from Willamette College of Law in 2020. During law school, I worked for the Oregon Department of Justice and the U.S. Attorney's Office for the District of Oregon in Portland. It was through these experiences that I found a love of government work. As a law clerk at the U.S. Attorney's Office, I helped manage the federal misdemeanor docket and had the opportunity to assist federal prosecutors on a wide range of criminal cases. This experience showed me the exciting, fast-paced world of criminal law, but more importantly allowed me to see and be a part of the positive impact that prosecutors make on communities through their work. Having just joined the Oregon State Bar, I am now thrilled to be a part of the team at the Washington County D.A.'s Office.

In my free time, I enjoy adventuring with my two dogs, running, hiking, and spending time with my family.

Alicia Wilson



I'm originally from Hawthorne, California. I attended Sonoma State University where I earned a degree in Criminology and Criminal Justice Studies. I then earned my Juris Doctorate degree from Willamette University College of Law. I knew I wanted to be a prosecutor since I was a teenager. I saw a lot of crime and I saw what it did to the community, and that propelled me to become a prosecutor. I decided that I wanted a career where I could use my voice, my experience, and my

knowledge to do my part in forcing a positive change in the justice system. My job's purpose is to serve justice, to restore faith in the community, and to prosecute those who have harmed the community or to get them the help they need in order to reintegrate into the community. In other words, my job is to do that right thing under the law. Having the ability to work with victims of crime and play a small role in restoring their faith in the community through the work that I do is not something I take for granted. (Plus-I get to argue for a living, it's a win-win).

Right and below: Judge Andrew Erwin swears in the new Deputy District Attorneys.



Above: District Attorney Kevin Barton addresses the new Deputy District Attorneys.



Annual

HOLIDAY

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WASHINGTON COUNTY BAR ASSOCIATION

2020-2021 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 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 practitioners.
- Events and Committees for relaxation, networking and socializing with your colleagues.
- Leadership opportunities and community service.

Membership Dues: **\$100 per year** (September 2020-August 2021)

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

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