



# The Bar Tab

Fall 2011



## Prez Sez by Diane Rader

As the leaves begin to turn and fall is officially with us, we can reflect on several CCBA events that have occurred since the last issue of *The Bar Tab*.

The CCBA Summer Picnic at Steve Kelly's house, with its pool, hot tub and sprawling property by the river, drew the largest attendance Steve could remember. Of course, the beautiful weather and the Buster's BBQ catered food enhanced the day enjoyed by colleagues and their families. It was a great opportunity to share in the camaraderie of CCBA members in a kicked-back and congenial atmosphere.

Kudos to Samantha Hazel, Bill Knox and Jack Lundeen for organizing the very successful and well-attended CLE. Another day-long CLE will be announced soon. It's a great way to get those required credits with a wonderful program at a very reasonable cost.

It may well be that the most well-attended CCBA dinner event was the July 28th Ron Hergert Retirement Dinner at the Oswego Lake County Club. Over 165 people gathered to honor Ron. Many were eager to offer poignant, heartfelt and sometimes hilarious anecdotes and memoirs of their various experiences with him. Classmates, partners, colleagues, friends and family wove a rich tapestry of his life as a lawyer, a sportsman, and as a friend and family man. It was a warm and quite entertaining evening that lauded Ron Hergert as a man of many talents and abilities - especially his humor, integrity and commitment. We have received a resounding positive response from many of those who attended - as well as from the Hergert family.

As I write this, the Appellate Court Dinner is coming up next. So far, we have a great response from the Appellate Bench as well as judges and lawyers of the CCBA.

Remember to reserve December 8th for the Holiday Dinner and Dance. It promises, as usual, to be a festive evening.

In other CCBA news, we are getting closer than ever to launching our redesigned website. Beginning with the 2012 membership calendar, members will now have the option to pay online through PayPal for CCBA dues, CLE programs and events. The current website can be located at [www.clackamas-bar.org](http://www.clackamas-bar.org). Access the new design at <http://www.dangilroy.com/client/CCBA3/index.asp> and let us know what you think. All comments and suggestions are welcome and appreciated. Also, don't forget to "like" our Facebook page.

Have a great October!

### Mark Your Calendar

**Autumn Get Smart CLE** - November 17, 2011,  
Willamette Falls Health Education Center,  
Oregon City

**Ringle Retirement Party** -October 21, 2011,  
Gladstone City Hall

**Holiday Dinner & Dance** - December 8, 2011,  
Oswego Lake Country Club, Lake Oswego.

## CCBA Newsletter

Approximately five issues of *The Bar Tab* are published each year. Submissions can be emailed to [lawlibrary@co.clackamas.or.us](mailto:lawlibrary@co.clackamas.or.us). They can also be sent or given to any officer. Advertising submissions and inquiries can be directed to the Editor or any officer. The CCBA does not make express or implied warranties regarding the use of information contained in this newsletter.

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### CCBA Website

[www.clackamas-bar.org](http://www.clackamas-bar.org)

### CCBA Email Address

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## News and Notes

### Welcome New Trial Court Administrator Debbie Slagle

Debbie Slagle joined the Clackamas County Circuit Court in 2004 as a supervisor in the Civil Case Unit. She worked at the San Diego Superior Court in California for fourteen years prior to joining the Clackamas County Circuit Court. She has extensive experience in all operational areas of the court and has been a manager for eleven years, with her last position being Deputy for Court Operations at Clackamas County Circuit Court. She has a Bachelor's degree in Business Administration from California

State University, San Marcos. Outside of professional interests, Debbie is active in many outdoor activities including hiking, backpacking, kayaking, and snowshoeing, to name a few. She combines a love of the outdoors with an enthusiasm for photography.



### Ron Hergert Honored at Retirement Reception



With over 150 people in attendance, the Retirement Reception for Ron Hergert, held on July 28, 2011, was a spectacular showing of how our local bar association community embraces one of its own.



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# Gone Are the Glory Years

by Lew Burkhart

Ryan Chiotti, Contributor

Gone are the glory years of Larry Peterson, Steve Kelly and the like. A few of the staples of championship teams of old remain, but the past two years the old guard worked to pass the torch on. The rocky transition to the next generation of CCBA Softball players survived a down year or two, but culminated in the CCBA winning the 2011 Law League Championship 8-3 against Tonkin Torp.

A slow start and quiet bats resulted in a 0-1 deficit to the highly talented Tonkin Torp team after 4 innings. After exploding for 12 runs in the first inning and 23 runs total in the semi-final game, the raucous fans were left wondering if the CCBA team left all of their offense on the field in the semis. The outstanding defense in the infield anchored by shortstop Matt Semrtic, two-headed monster Rose Gibson and Jeremy Morrow at second, Lew Burkhart at first and newly named third base starter Tyler Beach helped star pitcher Craig Dorsey contain the dangerous Tonkin Torp team to only two runs total and kept the game within reach.

Ultimately, a few timely hits, including Ryan Chiotti playing injured and doing his best Kirk Gibson impression, led to a scorching home run blast by Semrtic and a changing of the tide. With Tonkin threatening at the plate in the final inning, new addition right fielder Justin Hines sprinted in to make a spectacular diving catch to end the game to secure yet another championship for the CCBA.

Manager Scott Healy's fiery intensity down the stretch led the team and helped convert a young scrappy team with a mediocre 4-3 regular season record into Law League champions. The veteran presence of the ageless wonder Len Kovac proved invaluable. According to the very official stats kept by me, Len Kovac has not gotten out, *ever*, in his 74 years of playing for the CCBA softball team. He uses a mix of seasoned intelligence and his Ichiro like swing and run out of the box to successfully reach base every time.

Craig Dorsey proved to be the CCBA's most valued



*Photo: (clockwise from top left): Matt Semrtic, Tyler Beach, Ryan Chiotti, Rose Gibson, Damien Hall, Justin Hines, Jeremy Morrow, Matt Lyon, Scott Healy, Craig Dorsey, Lew Burkhart, and Len Kovac.*

asset as our pitcher. He was named the unanimous (I am the only voter) MVP of the playoffs due to his ability to keep the mashing hitters of Tonkin Torp, Miller Nash and Schwabe off balance for our championship run.

Perennial all star Damien Hall ended an early season contract holdout to return to the team by the end of the season. His presence in the lineup still makes the opposing pitchers knees shake.

The team could not have done it without the help of the CCBA. Early in the season the CCBA agreed to give us some money to purchase some much needed new equipment. Once again returning to the official statistics kept by me, our former bats and balls were the original ones purchased 74 years ago. The new bats, gloves and softballs all came into valuable use for our championship run. Thank you!





Many people in Oregon living at or below the poverty level rely on IOLTA earnings every single day. Without these funds, struggling families and individuals do not have access to vital civil legal services. Part of my commitment to the local community is to make sure our team – the IronStone team- is actively helping these groups.

To do this, IronStone has teamed with the Oregon Law Foundation to become a “Leadership Bank”. We have raised our IOLTA fund rates to best benefit the local community.

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# Closures of All Courts and Offices of the Oregon Judicial Department and Significant Fee Changes to Address Shortfalls in Funding

In order to address a portion of the severe shortfalls in funding for the Oregon Judicial Department during this biennium, on August 31, 2011, Chief Justice Paul J. De Muniz signed Chief Justice Order No. 11-033 ordering that nine (9) days be designated as Oregon Judicial Department mandatory state closure dates. The Clackamas County Circuit Court will be closed for public business on nine (9) Fridays during the 2011-2013 biennium, which will be part of the mandatory furlough days that court employees will be taking.

A mandatory court closure day is defined as a closure of all court operations (as distinguished from facilities) and the absence of scheduled court proceedings to which the public would have a right to attend or require the presence of court staff. The courthouse will be open to the public, but all court operations will be closed on the days designated below. The dates selected coincide with days designated by the Governor for state government closures in the executive branch. These dates are:

2011	2012	2013
Friday, November 25, 2011	Friday, March 23, 2012	Friday, January 18, 2013
	Friday, May 25, 2012	Friday, April 19, 2013
	Friday, August 17, 2012	Friday, May 24, 2013
	Friday, October 19, 2012	
	Friday, November 23, 2012	

Chief Justice Order 11-033 activates extension of statutory time limitations available under ORCP 10A and ORS 174.120, pursuant to the Chief Justice’s authority under ORS 1.002 and 1060(3).

Chief Justice Order 11-033 is available on our website at: ([www.courts.oregon.gov/clackamas](http://www.courts.oregon.gov/clackamas)).

## Significant Fee Changes Effective October 1, 2011

There are significant changes to the circuit court civil filing fee structure effective October 1, 2011. The 2011 Legislative Assembly significantly revamped civil filing fee amounts and fundamentally changed the structure of those fees. The legislator’s strong conceptual goal was that the fee schedule:

- ... Be transparent, easy to access and administer;
- ... Be equitable and fair;
- ... Be uniform across this state;

- ... Be a fixed amount;
- ... Not adversely impact access to justice; and
- ... Not adversely affect judicial authority to waive or defer fees or to establish payment plans for litigants.

Please review House Bill 2710 for a complete description of the upcoming changes. In addition, on or shortly after September 16, 2011, the Court will be posting the fee schedule that is effective on October 1, 2011 along with other fee information on our website at [www.Courts.Oregon.Gov/Clackamas](http://www.Courts.Oregon.Gov/Clackamas). There will not be a grace period for the implementation of the October 1, 2011 fee schedule, so please take some time to review the upcoming changes. Filings that require fees and do not include fees or include the incorrect amount may be rejected without further notice to the filing party.

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Ron Hergert

Recently, a record number of Clackamas County judges, lawyers and friends of Ron Hergert gathered at Oswego Lake Country Club for his retirement celebration. The high turnout was a testament to the very positive and valuable contributions Ron has made to Clackamas County in his years of service as a trial lawyer.



Peter Glazer

## Congratulations on your retirement, Ron!

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## **Eva M. Marcotrigiano Joins Bowerman & David, P.C.**

Donald B. Bowerman and Kristen S. David are pleased to welcome Eva M. Marcotrigiano to the law firm of Bowerman & David, PC.

Eva previously served as clerk to the Clackamas County Presiding Court and more recently as a litigator in the construction defect insurance field.

We look forward to her contribution to our practice of general litigation and defense of lawyers and physicians throughout the State of Oregon.

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## Shelf Life

It's always hard to believe, but it's that time of year again—time to head over to the Law Library and check out some CLE's because the end of the reporting period may be drawing near (and for the rest of you, it doesn't hurt to get a head start if it's not your reporting year)! As you can see below in our New Materials section, we have a wide assortment of new OSB CLE's processed and available for circulation.

## New Materials

### CLEs

- ... 24th Annual Northwest Bankruptcy Institute
- ... 50 Under 50: 50 Tips and Strategies for Businesses with Fewer Than 50 Employees
- ... Aliens vs. Predators: The Latest Statutes, Cases, and Legal Issues on Exotic and Dangerous Animals
- ... Basic Estate Planning and Administration
- ... Business Valuation for Lawyers
- ... Constitutional Law 2010: Courts in Transition
- ... Elder Law Roundup: Substance and Practice
- ... Everything You Wanted to Know About Child Abuse Reporting
- ... Fact Investigation In Personal Injury Cases



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- ... Family Law 2011
- ... Finance and Accounting Essentials for Attorneys
- ... Fundamentals of Real Estate and land Use
- ... Gender Communications: Understanding and Capitalizing on expectations that Impact Credibility
- ... Government Law Headlines
- ... Handling Domestic Relations Cases
- ... Intellectual Property Review-Updates and Changes from 2010
- ... Juvenile Law 2011: Permanency Hearings
- ... Nuts and Bolts of Administrative Law
- ... Online Smear and Infringement Campaigns: Detecting, Responding, and Brand Protection
- ... Polishing the Edges: Perspectives on Professionalism from the Bench and Bar
- ... Recognizing, Understanding, and Litigating Trauma Disorders
- ... Representing Servicemembers in the Criminal and Juvenile Justice Systems
- ... Special Needs Trusts
- ... Staying Ahead of the Curve: A Practical Guide to Handling Servicemember Cases Involving Post-Traumatic Stress Disorder and Traumatic brain Injury
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