



# The Bar Tab

March 2011



## Prez Sez by Diane Rader

As the New Year begins, I would first like to welcome the Honorable Robert Herndon as the new Presiding Judge of the Clackamas County Circuit Court.

I would also like to thank last year's officers, and in particular past President Dave Paul, the board and committee members of their many hours of dedicated efforts in organizing the many events and programs offered by the CCBA. Through their wide ranging contributions, the CCBA has continued to offer many benefits to its members and maintained the vibrancy and professionalism of the organization. In addition to the 2010 board members, many others continue to be involved such as past CCBA Presidents together with committee members who confer a remarkable continuity to our organization.

This year promises to bring many opportunities for the members of the CCBA to enhance their professional and social experiences. The Clackamas Bar is unique in its mix of professionalism, high standards and congeniality. I would encourage all of you to take advantage of the upcoming events and CLE classes throughout the year.

The CCBA calendar will include the CLE courses, Meet and Greet with the Clackamas County Legislators, the Roast and Toast of Judge Raymond Bagley, the New Lawyers Mixer, the CCBA Golf Tournament, the Summer Picnic, the Appellate Dinner, and of course, the CCBA Christmas Party. Watch for the dates to be announced throughout the year.

In keeping with the current political trend, and in the

CCBA's continuing effort to be relevant and expand its activities and increase membership, the CCBA will be appointing a number of "Tsars" to spearhead and organize various committees, such as the New Lawyers, Tennis Committee, Softball Committee, Fundraising Committee, Party and Social Meet and Greet Committee, Picnic Committee and CLE Committee, among others. We will be announcing the names of those who have thus far agreed to participate. If you have a particular interest for a committee you would like to lead as a Tsar, or would like to join any committee, you are welcome to throw your hat in the ring. We encourage you to become active and join in the CCBA fun!

It looks like a great year for the CCBA and you, the members, are what make it so! Remember to send in your bar dues and form if you haven't done so yet, and mark your calendars for the upcoming events.

### Mark Your Calendar

**Dale Jacobs Golf Tournament** - June 3, 2011, Stone Creek Golf Club, Oregon City

**Roast & Boast of Judge Bagley** - April 29, 2011, Oswego Lake Country Club, Cocktails @ 5:30, Dinner @ 7:00.

**Law Week** - First week in May.

**Appellate Court Dinner**-October 13, 2011, Oswego Lake Country Club

**CCBA Holiday Dinner/Dance**-December 8, 2011, Oswego Lake Country Club

## 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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## News and Notes

### Governor Announces Appointment to Multnomah County Circuit Court



Governor Ted Kulongoski announced that he is appointing Kathryn Villa-Smith to the Multnomah County Circuit Court.

Judge Villa-Smith will fill the vacancy created by the retirement of Judge Keith Meisenheimer on January 1, 2011.

Villa-Smith received her JD from Lewis & Clark Law School in 1982 and holds an undergraduate degree from New Mexico State University. Currently a shareholder at the firm of Gevurtz, Menashe, Larson & Howe, P.C., Villa-Smith has practiced domestic relations law for more than 16 years. Villa-Smith has prior experience as a Deputy District Attorney in the Multnomah County District Attorney's Office.

Villa-Smith serves on the board of the St. Andrew Legal Clinic and the Multnomah Bar Foundation. She has also served as a Pro Tem Judge for Clackamas County and Multnomah County Circuit Courts.

"Ms. Villa-Smith will bring an extensive knowledge of both domestic relations and juvenile law to the court," said Governor Kulongoski. "Her respect for people of all backgrounds and tireless work ethic will make her an extraordinary judge."

### Clackamas Women Lawyers Announce 2011 Board

Lisa Almay Miller has been elected to serve as President of Clackamas Women Lawyers for 2011. The other officers include Vice President/President Elect: Andrea Anderly; Secretary: Sue Lain; Treasurer: Elizabeth Munns.



### CCBA Joins Facebook

Go to: [http://www.facebook.com/home.php?sk=group\\_159110214127725&ap=1](http://www.facebook.com/home.php?sk=group_159110214127725&ap=1) to join the CCBA fan page. News, notices and announcements are being posted regularly.

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## MEET YOUR 2011 CCBA OFFICERS

### President: Diane Rader

Diane C. Rader was born in San Francisco while her father, Dale Rader, was attending law school. She was raised in Portland, Oregon and began working in law offices as a teenager. She graduated from Lewis and Clark Law School and began her legal career in 1990. Diane worked in a full spectrum of criminal defense law in a firm, which included her late father and brother Mark, for thirteen years. She is licensed in both Oregon and Idaho. She is currently a member of the Clackamas Indigent Defense Corporation as a defense attorney. She also practices in some areas of civil law. Diane has served on several committees including Oregon State Bar's Public Services Information Committee, the Oregon Bar – Press – Broadcasters Council, Oregon Criminal Defense Lawyers Association Education Committee and Juvenile Law Committee and is a member of several professional organizations.



and networking the CCBA helps develop and foster and that there are so many opportunities to participate and get to know colleagues in professional and social situations.

### Secretary: Greg Oliveros

Gregory P. Oliveros is an Oregon native who has resided in the state for over half century. He is a graduate of Washington High School. Greg graduated from Western Oregon State College in 1973, earning a Bachelors Degree in Education. He taught in the Portland Public School District from 1973 through 1987. In 1980-81, Greg returned to school to earn two Masters Degrees from Portland State University. For over ten years, Greg was employed part time at Nordstorm at the Lloyd Center. Greg graduated from Lewis and Clark in 1990 and began practicing law in 1991. Greg practices primarily in two areas, family law and bankruptcy.



### Vice-President: Samantha Hazel

Samantha was born and raised in Oregon City. She graduated from University of Oregon School of Law in 2001 after obtaining her MBA from the University of Utah and a bachelor's degree from Whitman College. Samantha was a law clerk with the Clackamas County District Attorney's office while in law school, and started working full time at the DA's office upon passing the bar in September 2001. She worked with several attorneys in Clackamas County, including Don Bowerman and Jim Tait, before joining Peter Glazer as an associate in 2006. Her primary areas of practice are family law and litigation. Prior to becoming the CCBA Vice President, she was Treasurer in 2005. Samantha most values the mentoring



### Treasurer: Lew Burkhart

Lew is a Deputy District Attorney for the Clackamas County District Attorney's Office, where he currently prosecutes mostly felony property and drug crimes. Prior to joining the office in 2008, Lew attended University of the Pacific, McGeorge School of Law in Sacramento and worked at the Sacramento County District Attorney's Office during all three years, until graduating in 2008. While obtaining his undergraduate degree in Political Science at UC Davis, Lew played linebacker on the UC Davis football team and worked for Governor Arnold Schwarzenegger. Lew grew up in Lake Oswego and attended Lakeridge High School. He is also the stepson of former CCBA President Peter Glazer. Prior to becoming the CCBA Treasurer, Lew managed the CCBA softball team.



# Law Library News

Alden E. Miller Law Library of Clackamas County

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## After-hours Attorneys:

*Please check your cardkey next time you are at the Law Library or courthouse.*

*Many cardkeys were accidentally inactivated by the Sheriff's office. If your cardkey doesn't work, you will need to get it reactivated at the Sheriff's Office.*

## Shelf Life

If you've been in the Law Library recently, you may have noticed we have a new photocopy/print machine. Yes, it has many bells and whistles. Historically, when our contract came up for renewal, our goal was to get the most basic machine available. This time, however, the Law Library Committee decided to upgrade the machine in an effort to comply with your requests.

You asked for the ability to make color copies. Now, you can! You asked for wireless printing. Now, you can send your print requests directly from your laptop or handheld mobile device! You asked for an easier, modern attorney billing system. Now, all you have to do is enter one code! After over thirty years, the blue three-ring binders are finally going the way of the dinosaurs.

You might be wondering "What's the catch?" With the new system, comes a new need for attorney user codes. While I was on leave, Jerry Smith created a system for all Clackamas County attorneys to receive a user code that will work on the new machine. If you have not received your new user code by email, please stop by the Law Library or email me at your convenience and I'll send you a personalized user code that will enable you to use the machine.

Memorizing yet another pass code can understandably be a little frustrating. So, we also have a system in place that will allow you to use a general pass code if you choose and, if you forget your code, there is always someone here who can look it up for you!

*Jennifer*

## New Materials

### Books:

Corbin on Contracts, Rev. 13 reprint

Corpus Juris Secundum, Table of Laws & Rules Pamphlet 2010-11

Defending DUI Vehicular Homicide Cases, 2011 edition

Drunk Driving & Related Vehicular Offenses, 5<sup>th</sup> ed 2010

ERISA: The Law & the Code, 2010 ed

Federal Practice & Procedure 4<sup>th</sup>, v. 3

Hazan Treatise on the Law of Securities Regulation, v. 1-7

### Updates:

Oregon Laws 2009, Oregon Laws Spec Session 2010, & Criminal Code

Pacific Reporter 3d, v. 238, v. 239, v. 240

USCA T26 Section 1-164

Zoning Law & Practice, 2010, v. 3

Couch on Insurance 3d, 2010 Supplement

Federal Rules of Evidence Manual, 2011 Supplement Set

Federal Rules of Evidence Manual, 2011 Supplement Set

Handling Federal Tort Claims, Release #65

Legal Research & Law Library Management Rel. #9

Legal Researcher's Desk Reference, 2011 Special Supplement

Miller's Standard Insurance Policies Annotated, v.4 & Supplement

Oregon Rules of Court Federal, v.2 Supplement

Oregon Uniform Civil Jury Instructions, 2010 Supp w/forms

Partnerships, Joint Ventures & Strategic Alliances Release #14 & CD

Pattern Jury Instructions Criminal 10th Circuit, 2d pamphlet

Powell on Real Property, Rel #33

Washington Practice: Civil Procedure Forms & Commentary, Pocket Parts & FOCD for v. 9-10A

Water & Water Rights, Rel #2

## 2011 CCBA CHRISTMAS PARTY ROARS

by Andrew Cole

That roar you heard on December 9th was the full-throated Clackamas County Bar membership singing a revised and unabridged version of the Christmas classic, The Twelve Days of Christmas, at Lake Oswego Country Club. Anticipating that Ron Hergert would prepare original material and wield the baton, the members turned out in droves for the annual Christmas party. With his usual prescience, Ron selected a song which gave the members twelve opportunities to learn the lyrics (if not the melody). Strangely, the table of Assistant D.A.'s were in particularly fine voice, demonstrating that for these Renaissance men and women there is more to life than hitting a softball. Peter Glazer seamlessly emcee'd the event. Outgoing President Dave Paul and perennial CCBA water-

carrier Kristin David were honored for their distinguished service.

And the remarkable career of the Hon. Raymond Bagley, this years recipient of the Holman Award, was celebrated.

After introducing the incoming CCBA Board Members, laying waste to the dessert buffet, and draining the no-host bar, the members adjourned to the dance floor and the sounds of guitar wizard Robert Demary's Nobody's Bizness Band. Once again, Judge Ken Stewart and Pam Stewart won the dance contest, sweeping both the grace and endurance categories. For those of you who were unable to attend, mark your calendars for next year.





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## New Presiding Court Judge: The Honorable Robert Herndon

*In January of this year, Clackamas County Circuit Court welcomed Judge Robert D. Herndon on as the new Presiding Judge. Judge Herndon has been a member of the Clackamas Bench since 1997. The following is excerpted with permission from a November 2008 Bar Tab Judicial Profile article by Dave Paul.*

Judge Herndon began law school at the U of O during his senior year and received his bachelor degree after completing his first year of law school. Judge Herndon was inspired to become a lawyer because of his father, a WW II Fighter Pilot. The senior Herndon had wanted to be a lawyer but family commitments (including his first child Robert) brought him back to the family business in Milton-Freewater. Judge Herndon fulfilled his father's ambition and became the first lawyer in the family. Judge Herndon's first job upon graduation from law school was in Gladstone with Phil Ringle. He remembers that as being one of his best times and says he learned a lot from Phil who he calls "a great guy and a great trial lawyer." He spent 18 years with Phil Ringle in Gladstone before joining his college friends Hutchison and Hammond in West

Linn. Judge Herndon practiced 11 years with Hutchison,

Hammond, Walsh, Herndon and Darling. Prior to his appointment to the Circuit Court Bench, he spent 16 years as a pro-tem judge. Judge Herndon was also a pro-tem Clackamas County District Court Judge and he recalls presiding over criminal jury trials in the space where Judge Van Dyk's office now stands. Judge Herndon enjoys being a Circuit Court Judge, finds settlement conferences most rewarding and sees them as important to the administration of justice, helping people to settle their cases and disputes.

*On his first day as Presiding Judge, swore in six Clackamas County officials (pictured above, third from left, with three Commissioners, Jim Bernard, Ann Lininger and Paul Savas).*



## HARD TO KEEP A STRAIGHT FACE: True Tales from Clackamas County Courts 2011

Excerpted from a FAPA case with an unrepresented respondent. The respondent calls a woman to the stand:

Q: Am I a violent person?

A: All your babies' mamas love you.

Q: (from judge) How many mamas are we talking about?

A: 5 or 6

Cross-examination of this wonderful character witness goes like this:

Q: Have you been convicted of prostitution?

A: No. I was solicitation—and it was a bad outcome from a very unfortunate and misunderstood embarrassing moment.

Later the respondent is on the stand and he is asked:

Q: How many children do you have?

A: Let me think (pause) - 8 or 9.

Then to top it all off—the respondent calls his prison roommate to vouch for him and it goes like this:

Q: Have you every been convicted of a crime?

A: Of course.



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Congratulations to Michael A. Yates, named by Best Lawyers, the oldest and most respected legal peer-review publication, as to 2011 *Family Lawyer of the Year for Portland, Oregon*. Only a single lawyer in each practice area in each community is selected for this prestigious honor.

Congratulations to Jeffrey Matthews, selected as *The American Trial Lawyers Association 2010 Top 100 Trial Lawyers in Oregon*. Jeffrey Matthews is one of only three Family Law Attorneys in Oregon to have been included in this group.

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