



JANUARY 2020

## COMING EVENTS

- Jan 8 - CLE: How to Make a Baby in the 21st Century
- Feb 12 - CLE: Civil Litigation
- Mar 11 - CLE: TBA
- Apr 8 - CLE: TBA



## PRESIDENT'S MESSAGE

Matthew McKean

Happy new year everyone. I hope all had a safe and fun holiday season and are looking forward to the new year here in Washington County.

We had a very fun and successful Winter Social at the Glenn and Viola Walters Cultural Center in Hillsboro. We had a good number of people who ate a great dinner and engaged in conversation with our colleagues and judges. Judge Hunsaker was nice enough to attend so we could all pepper her with questions about her new position with the Ninth Circuit Court of Appeals. I especially want to thank board member Laura Burgee of Harris Velazquez Gibbens for her work setting up this year's Social. Thanks also to Kroll & Johnson for sponsoring a table at the event. I also want to thank Judge Guptill and attorney Matthew Kehoe for supplying some of the wine we used as gifts.

For the second year in a row, we sponsored a toy collection to donate toys to the Hillsboro Fire Department "Random Acts" toy drive. The toys were picked up that evening by our local firefighters, and thanks to your generous donations, I think we surpassed last year. Additionally, Larry Brisbee gave an impassioned plea to contribute to the Campaign for Equal Justice. The highlight of the evening was when Larry Brisbee picked a Star Wars Wookiee robe as his gift and Harris Velazquez Gibbens donated \$1,000 to the Campaign for Equal Justice for him to put it on. Check out the [WCBA Facebook page](#) for photos. You can still donate at [cej-oregon.org](#).

One of my goals during my term as president is to work on more funding for the Washington County Circuit Court. To that end, the Washington County Court Bench-Bar Committee put on the First Annual Breakfast for Legislators and Community Leaders on December 12 at the Reserve Vineyard. It was sponsored by the Washington County Bar Association, Oregon Trial Lawyers Association, Oregon Defense Attorney Consortium, Metropolitan Public Defender, and the Washington County District Attorney's Office. The purpose was to start a dialog with our leaders and begin an ongoing collaboration to educate each other and remedy the funding crises of the Washington County Judicial department.

## WCBA CONTACTS

<b>President:</b>	Matthew McKean
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<b>Website:</b>	<a href="http://www.wcbabar.org">www.wcbabar.org</a>
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This month, our CLE will be "How to Make a Baby in the 21st Century" given by Robin Pope. We hope to see you there.

If you wish to be listed on the Washington County approved arbitrator list, you must attend the training set for February 6 at the courthouse from 3:00—5:00 pm.

I want to congratulate Judge Roberts on her appointment as our new Presiding Judge for Washington County. As many of you know, we normally have the presiding judge give our State of the Court address in January, but this year we will give Judge Roberts a little time to settle in to the position before she has to put that together. Look for it in the next few months.

Thank you for reading and, as always, if you have ideas or suggestions please feel free to contact me personally at [matthew@mckeanappa.com](mailto:matthew@mckeanappa.com) or the WCBA at [admin@wcbabar.org](mailto:admin@wcbabar.org).

Matthew C. McKean  
WCBA president

# FIRST ANNUAL BREAKFAST FOR LEGISLATORS AND COMMUNITY LEADERS

Brandon Thompson

On Thursday December 12, 2019 the first annual Breakfast for Legislators and Community Leaders was held to help address our court's funding crisis. The event was the brainchild of the Washington County Bench-Bar Committee and specifically District Attorney Kevin Barton. The event was held at the Reserve Vineyard & Golf Club and included invites to all of the Washington County representatives and senators. Attendees included all of the sitting judges, except one who had a previous commitment; District Attorney Kevin Barton; the director of the Metropolitan Public Defenders office, Mary Bruington; the president of the Washington County Bar Association, Matthew McKean; several members of the Washington County Board of Commissioners, including Chair Katherine Harrington; Trial Court Administrator Richard Moellmer; Washington County Sheriff Pat Garrett; other community partners; and members of the Washington County Bench-Bar.

The purpose of the meeting was to establish relationships with our legislators and inform them of the funding crisis our court is facing. The presentation started with opening remarks from Matthew McKean and Rob Harris followed by short presentations from Kevin Barton, Mary Bruington, and Richard Moellmer. Next the judges spoke and their opening remarks were from our new presiding judge, Beth Roberts. The judges had decided not to ask for anything in this first "meet and greet" but instead to try and impress on our legislators and other community leaders the difficulties they are having with the lack of resources. All of the judges then spoke for a few minutes each about their particular dockets and communicated the direct effect the lack of court resources was having on the people and businesses of Washington County.

The event seemed to be very well received by both our legislators and other elected officials; this model can be the blueprint for future events. A special thanks goes to District Attorney Kevin Barton and Stephen Mayer with Washington County who spearheaded planning this event. Also a big thanks to the groups who helped fund the event including Rob Harris and the Oregon Defense Attorney Consortium, the Oregon Trial Lawyers Association, the Washington County District Attorney's Office, the Metropolitan Public Defenders Office, and the Washington County Bar Association.

*Photos to the right, in order from top to bottom: Matthew McKean, Presiding Judge Beth Roberts, Judge Ramón Pagán, and Judge Andrew Erwin.*



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## WHERE YOU BANK MATTERS



Annette Merrill

Did you know that your practice or firm can make a difference by placing your IOLTA funds with a bank that partners with the Oregon Law Foundation (OLF)? Participating banks provide above market interest rates on IOLTA accounts and send the interest earned on these accounts directly to the foundation. These funds are earmarked to provide legal services to people of lesser means, promote diversity in the legal profession, and educate the public about the law.

Banks or credit unions that partner with the OLF are called Leadership Banks. A **Visionary** bank agrees to pay the highest rate (currently 1.75% or above) while an **Advocates** bank is just slightly less (currently 1.5% to 1.75%). The bank handles the monthly or quarterly transfer of interest to the foundation with no additional work required of the practice or firm.

This year the OLF estimates it will receive about 2.5 million dollars from IOLTA account interest earned. The foundation estimates that only about 46% of IOLTA accounts are currently with Leadership Banks although Leadership Banks remit 70% of the total dollars paid to them.

For more information about Leadership Banks in your area, simply go to the Oregon Law Foundation website, [olf.osbar.org](http://olf.osbar.org) and search "Move Your IOLTA" for a list of participating banks.

Make a difference and choose a Leadership Bank!

The author is VP & Relationships Banking Officer at Heritage Bank.

## JUST MERCY BY BRYAN STEVENSON

Lee Van Duzer

"Each of us is more than the worst thing we've ever done" may not be the opening quote from *Just Mercy*, by Bryan Stevenson, but it may be one of the most impactful. *Just Mercy* is not a holiday book, but in some ways it illustrates how we both succeed and fail in living up to the theme of many holiday stories: redemption and second chances. Both the Grinch and Ebenezer Scrooge fare better than most of Stevenson's clients.

*Just Mercy* is about to be released as a motion picture based on one of the storylines in the book, that of inmate Walter McMillian. Stevenson weaves together his story of working with poor and minority inmates via the Southern Center for Human Rights and the Equal Justice Initiative with the stories of the inmates themselves. McMillian's tale is the main narrative that links the whole book together. As an innocent person who was on death row, McMillian is a textbook example of the flaws in our criminal justice system. He was convicted of a crime he did not commit based on flawed evidence and testimony. The prosecutor withheld exculpatory evidence and the trial judge overrode the jury to impose the death penalty. His case wended through the legal system from 1988 until 1993, and Stevenson lays out the role racism and poverty played in his conviction and in the challenges he faced through the appellate process.

McMillian's isn't the only story of wrongful conviction, and not all of Stevenson's clients are innocent. However, all his clients reveal critical flaws in the criminal justice

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## CLASSIFIEDS

### YOUR JOB HERE

The WCBA now offers job listings at no charge! Please send your plain text job information to [newsletter@wcbabar.org](mailto:newsletter@wcbabar.org). Free postings must be 50 words or less and may be edited for length.

#### Classified Advertising Rates

50 or fewer words	\$20	51-100 words	\$40
101-150 words	\$60	151-200 words	\$80

Over 200 words, a quote will be provided upon request.  
Classified ads must be prepaid.

#### Display Advertising Rates

Business card size (3.5"w x 2"h)	\$30
1/4 page (3.6"w x 4.75"h)	\$60
1/2 page (7.5"w x 4.75"h)	\$90

Purchaser is responsible for providing a properly sized image at the desired resolution.

Please submit your classified text or display ad in JPEG format to: [newsletter@wcbabar.org](mailto:newsletter@wcbabar.org).

Pay for your ad at: [mkt.com/wcba](http://mkt.com/wcba)

**Monthly Lawyer Coffee**  
3rd Wednesdays 8:00-9:30 am  
Insomnia Coffee  
317 E. Main Street  
Hillsboro

build friendships & make connections

Come join the WCBA and the local chapter of Oregon Women Lawyers the 3rd Wednesday of the month. Visit with new and experienced lawyers practicing in Washington County. This is a great opportunity for young lawyers to build friendships and connections and for us to welcome new attorneys joining our community.

(Continued from page 3)

system. Stevenson talks about a couple influential Supreme Court cases in chapter 14. The first, *Sullivan v. Florida*, established that minors could not be sentenced to life without parole for non-homicide cases. The second, *Miller v. Alabama* built on that to establish that minors could not face a mandatory sentence of life without parole for homicide cases. Their stories are compelling, and have similarities; both boys grew up in poverty and had questionable links to their culpability in the more serious crime of which they were convicted.

Joe Sullivan was 13, and mentally challenged, when he was convicted of rape. Some older boys convinced him to join in a robbery. The victim was later raped, after the boys had initially left, and the older boys identified Sullivan as the rapist. The victim had not clearly seen her attacker. Sullivan admitted the burglary, but denied participating in the rape. He was convicted primarily on the self-serving testimony of the older boys. Evan Miller was only 14 years old when he was sentenced to life without parole for his role in a robbery that turned into a murder; the statute made that sentence mandatory. The older boy made a deal and got a parole-eligible sentence. Tellingly, the prosecutor lamented that he could not seek the death penalty for the boy. Stevenson relates later conversations with Miller in a maximum security adult correctional center, in which he expressed confusion over how he could have acted as destructively as he had when younger. Like other of Stevenson's clients, he had matured and was "more thoughtful and reflective; they were now capable of making responsible and appropriate decisions."

Stevenson manages to bring out the human side of inmates, but also talks of his own struggles in the system as a black lawyer. His recollection of being mistaken for the defendant instead of counsel on first meeting a judge is not unique. The reader also shares in his humiliation as he is strip-searched entering a prison to visit a client, an indignity

not usually applied to lawyers. While *Just Mercy* paints a bleak picture of our criminal justice system, it also illustrates hope. The same prison guard who strip searched him later greets him warmly after seeing the impact of Stevenson's work and making a personal connection to his own life. The success stories also bring hope, such as Marsha Colbey who went from a life without parole sentence for a stillborn birth in Alabama, to being honored at a New York fundraiser for the Equal Justice Initiative.

Many of Stevenson's clients attain some form of justice, and he describes in some detail McMillian's life after prison. Initially McMillian struggled to return home. Many in his community were not convinced of his innocence, and even some of his close relationships did not survive the ordeal. Despite eventually making a new living, McMillian's scars never completely heal. His time in prison comes back to haunt him later; Stevenson tells of McMillian asking again for his help to get out of prison, when Stevenson visited him in a facility caring for his dementia. McMillian's case demonstrates many of the challenges even the innocent face upon release from prison. Many facilities refused to care for him with his dementia because he had been convicted of a felony, despite the later finding of innocence. In a society that celebrates the redemption and second chances of fictional characters like Scrooge and the Grinch, we can do better in embracing the redemption of real-life offenders and granting them a second chance after they have paid their debt, to say nothing of how we treat the truly innocent mistakenly caught in the system.

*Just Mercy* can be found at a [WCCLS library](#).

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

**MANDATORY  
ARBITRATION  
TRAINING**

**February 6, 2020**

Washington County Courthouse  
145 NE 2<sup>nd</sup> Ave, Hillsboro, OR  
97124  
3:00-5:00 pm  
Cost: \$40

**Mark Your  
Calendar**

CLE Credit – *pending approval*

# WCBA WINTER SOCIAL 2019



# How To Make a Baby in the 21st Century:

An evolving area of law

(It used to take 2, now there are 16 ways to make a baby)

A CLE presented by:

Robin Pope  
Family Formation Lawyer



**Robin Pope** is an adoption and Assisted Reproductive Technology law attorney with more than 25 years of experience. She is a Fellow in the American Academy of Adoption Attorneys and a charter member of the American Academy of Assisted Reproductive Technology Attorneys. She has represented the position of the Oregon State Bar on adoption and surrogacy issues, and co-authored and successfully lobbied for the passage of legislation governing adult adoptions. She has served as Chair Person of the OSB Standing Committee on Adoption and is currently a member of that group. Served as a Pro Tem Judge in Clackamas County 1990-1999 and currently serving as a Pro Tem Judge in Washington County.

Plated Dinner Options - Please list preference with registration

6:15 - 7:15 pm

**Southwest Grilled Chicken & Fries**

Marinated, ancho chili-rubbed chicken breast, charbroiled & finished with chipotle ranch & cilantro. Bread Sticks & House Salad.



**Halibut Fish & Chips**

Public House "Thinker Ale" battered Halibut with Public House Fries. Coleslaw & Clam Chowder.

January 8, 2020

CLE is 5:15 - 6:15 pm  
Dinner is 6:15 - 7:15 pm

Bethany Public House  
4840 NW Bethany Blvd, Portland

1 CLE Credit

(General - Pending)

Register online: [mkt.com/wcba](http://mkt.com/wcba)

Questions: [admin@wcbabar.org](mailto:admin@wcbabar.org)