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Bulletin

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Judge's Corner With Judge Justin Kidd

By: Judge Justin Kidd

Every lawyer knows the Circuit Court, but many overlook the State's other court system – Justice Courts. MCBA members should get to know this under-used resource, especially here in Marion County, where Justice Court resolves cases quickly, economically, and in a way that broadens access to justice.

Justice Courts are state courts whose staff are paid by the county. The Justice Court Judge is also known as the Justice of the Peace. (Hello, by the way, I'm the new Justice for Marion County!)

Justice Courts hear a high volume of smaller cases – around 20,000 cases per year in my Court. For those of you with older bar numbers, think of Justice Courts as rural District Courts. Justice Courts derive their authority from ORS Chapters 51-55, as well as Article VII, Section 1 of Oregon's Constitution. We have authority to hear misdemeanor cases, violations, landlord-tenant cases, and civil disputes of \$10,000 or less. The Court can hear civil cases either as small claims, or in the regular civil division as an ORS 20.080 claim. Justice Courts can empanel juries, but most matters here are tried to the bench. The Circuit Court hears appeals of our judgments



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under a de novo review standard. And of course we marry people!

Because Justice Courts are the court closest to the people, they are ideal vehicles for resolving cases quickly, economically, and in a way that broadens access to justice. Justice Court is speedy. Whereas a civil case in Circuit Court may take more than a year to conclude, especially with the Covid backlog, Justice Court can resolve civil cases in 45-60 days. Justice Court is also economical. The statutory filing fee for a Justice Court small claim is just \$37 (ORS 51.310(1)(c)), whereas the fee in Circuit Court is \$57 or \$102, depending on the amount in controversy. ORS 46.570.

Most importantly, Justice Courts broaden access to justice. Most cases here are *pro se* or “half-se,” so our Court is designed to serve laypeople. For example, the Court uses plain language, rather than legal jargon. Further, the staff bend over backward to explain procedural requirements to the court’s customers. And, since a lot of our clientele speak primarily Spanish, we always have bilingual staff on hand. I speak a little Spanish too, which I use

to welcome each Spanish speaking client to the Courtroom. I do this because I want them to know that I understand their story in their own words. My goal is that these choices help all people feel welcome here.

Because Justice Court is speedy, inexpensive, and accessible, MCBA members should consider using the Justice Court for ORS 20.080 cases. And they should recommend the Justice Court’s small claim division as a forum for clients’ *pro se* matters. Have I piqued your interest? Stop by for a tour sometime. I’d be happy to show you around.



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Sidebar: Meet Judge Kidd

By: MCBA and Judge Justin Kidd

Greetings! I am the new Justice of the Peace for Marion County. Before the court, I spent 12 years at Oregon DOJ, primarily in the Civil Trial Division. There, I worked on APA cases, condemnation cases, tort cases, a large class action, and I ran the small claims division. It's this last group of cases – the small claims – that I enjoyed the most. Small claims allowed me to supervise a cohort of clerks as they learned trial skills, representing the state in cases as varied as contract claims, inmate small claims litigation, and minor car crashes. I really loved watching their skills and confidence grow over the school year. I love to mentor people, so if you're a young lawyer, call me up for coffee sometime!

About me personally – I have been a foster and adoptive family. My passion is improving life for foster children. I am also a dedicated board game nerd. And I really like to travel. I speak Spanish – not perfectly, but well enough. I love performing marriages both in English and Spanish. In fact, most Saturdays, you can find me somewhere in North Marion County performing a wedding or two. Bonus points for the fiesta de boda if they're serving good carnitas!

What do I love about practicing in Oregon? The civility, candor, and professionalism of our local bar. We're small enough that we know we're going to run into each other again. This "repeat-player" setup discourages sharp practices, and keeps us working "The Oregon Way."

What's my pet peeve? It's when lawyers fail to mention unfavorable and on-point precedent. Don't do it. The currency in the courtroom is trust. When you pull that kind of thing, it's like setting a basket of judicial currency on fire.

What's my goal for the court? I want people to use it. The Circuit Court is currently overburdened, in part because of population growth in our county, and in part because of the Covid backlog. The Justice Court can help Oregonians settle their affairs quickly, inexpensively, and accessibly – while lessening the burden on the Circuit Court. Stop by for coffee and check us out!

Bulletin

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ACCESS TO JUSTICE: Electronic Fee Waivers

By: *Kirsten Parsons – Legal Aid Services Oregon*

Fee waivers and deferrals are an important component of access to justice for low-income litigants. Chief Justice Order 21-051 has made the waiver and deferral process simpler and generally more available as of February 1, 2022, through a change in Oregon’s Uniform Trial Court Rules 21.050(2)(b) and 21.070(f).

Under the new rules, a fee waiver application can be submitted electronically through File & Serve, even to initiate a case. The application may be submitted either by an attorney representing an eligible litigant or by the litigant themselves.

An attorney may submit a fee waiver application for a client by creating a waiver payment account in their already existing File & Serve account. To create a Waiver Account:

- Click on the “Actions” tab, then select “Payment Accounts.”
- Click “Add Payment Account.”
- A name must be entered for the new account, e.g., Waiver Account.
- Click “Waiver” under payment account type.

Click “Save Changes.”

After the Waiver Account is created, waiver applications may be filed via File & Serve. The waiver application packet is available online on the OJD website at:

<https://www.courts.oregon.gov/forms/Pages/fee-waiver.aspx>

To file a waiver application:

- Have the litigant complete the waiver application and proposed order and sign the application.
- Prepare the documents to be filed.
- Select “File into Existing Case” or initiate a new case per usual procedure.
- The waiver application must be the first document uploaded. Select “Application – Fee Waiver/Deferral – Aefd” filing code.

- Save changes.
- Click “Add Another Filing” and upload the Proposed Order. Select “Order – Proposed – PPOR” filing code.
- Save changes.
- Click “Add Another Filing” to add pleadings and supporting materials per usual procedure.

A litigant who wishes to submit a fee waiver directly may create a new File & Serve Account by registering and creating a “Self-Represented Account.” Once that account is created and verified, they are able to follow the steps above.

If a deferral or waiver is not granted, the filing fee must be paid by the attorney or litigant.

Because low-income litigants no longer have to travel to the court to file fee waiver documents, this seemingly small procedural change substantially increases their access to the courts.



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Board Member Spotlight

MCBA Welcomes New Board Member: Melodie Dickey

By: MCBA and Melodie Dickey

1. Where did you grow up?

Beaverton, Oregon.

2. What is your educational background?

I went to Oregon State for undergrad and majored in Political Science (Go Beavs!). I went to Willamette for law school.

3. What did you do before you were a lawyer?

Before I was a lawyer, I was primarily a student. In the past, I've worked as a dishwasher, a gymnastics instructor, and a hair salon receptionist.

4. What is your current job/position/practice area?

I am a Deputy District Attorney for Marion County District Attorney's Office. I have worked in criminal prosecution since I was in law school.

5. How long have you practiced in Marion County?

9 years.

6. What or who was your motivation for becoming a lawyer?

After participating in a mock trial at my elementary school when I was 7 years old, I came home and told my family that I wanted to be a lawyer, an actress, and the first female president (yes, all three). My motivation for being a lawyer has changed over the years, but ultimately, I fell in love with learning about the law and how it works.

7. What do you like most about practicing law in Marion County?

The people. I have friends that practice in all areas of law, and despite the different practices we have so many things in common.

8. Describe your family.

My husband (Travis) is a criminal defense attorney (despite what you think, our dinner conversations are not that interesting). Together we have a 2-year-old daughter (Reagan) and 2 dogs (Brody and Daphne), and we are expecting our second daughter in August!



9. Who is your mentor?

I've been lucky to have many people who I considered mentors. The one that sticks out in my mind as having the most impact in my life and career is Amy Queen.

10. What is your all-time favorite book?

I loved the Harry Potter series.

11. What is your all-time favorite movie?

White Christmas.

12. What is your favorite current television show?

FRIENDS!!

13. What are your hobbies?

My current hobby is negotiating with my 2-year-old. When I have the time, I enjoy baking and decorating cupcakes.

14. If price were no obstacle, what kind of car would you drive?

I'm terrible with cars – but any large SUV with air-conditioned seats will do. Once you've had those you can never go back to "regular" seats. 😊

15. What is the most interesting place you've ever visited?

Paris.

16. What is your biggest fear?

Failure and bugs.

Starting on the Right Foot as a Law Student

By: Daniel Trujillo
Law Clerk at The Gatti Law Firm

Starting law school during the COVID pandemic brought new challenges. As law students, much of the networking we do is through school-sponsored events and organizations. With in-person events being placed on hold, many of the events were held virtually, typically through Zoom. Nonetheless, it is critical to start networking with the legal community to establish relationships that can assist you through your legal career. Here are a few approaches that have helped me with networking.

1. Attend events

Even with COVID restrictions, Willamette College of Law strived to provide as many networking opportunities as they could. These ranged from virtual guest speakers and social events to an Attorney-Mentoring Program. Out of all of the events held, the Attorney-Mentor Program was one of the most important events to participate in. It allows students to connect with attorneys and judges on a one-on-one basis throughout the school year. This is an excellent opportunity, especially if one has a limited connection with the legal community.

2. Prior employment

Not everyone enters law school with prior experience working in the legal field; if you are lucky enough to, it is beneficial to maintain those relationships. Attorneys you have worked for want to see you succeed and are willing to help you in any way they can. They are a great choice for a mentor and advocate and can attest to your work abilities to other attorneys.

3. Maintain your connections

Once you make a new connection, it is crucial to maintain the relationship. It is easy for time to slip by while juggling schoolwork, work, family, and other activities. However, it is important to make time with attorneys, even if it's going out for some coffee or over Zoom.

These connections allow law students to get advice on how to navigate through school and into their career. Each attorney I have met has a different story

about how they went through school and entered their current employment. Additionally, the attorneys you connect with can help open new doors, from connecting you with other attorneys who practice in a particular area of law you are interested in to helping you obtain a clerkship.

Due to all of the perceived benefits of networking, it is essential to make yourself available whenever possible as a law student. This allows you to become a figure within the legal community and garners greater possibilities of creating new relationships.

Another crucial aspect of networking is setting aside time to ensure you follow up with anyone willing to meet with you that your mentor or other connection has passed your information to. This leads into my most important networking aspects.

4. Clerkship

As I completed my 1L year, I found that a clerkship was beneficial as it provides an opportunity to get hands-on experience with how an attorney works their cases and helps their clients. Additionally, you develop a closer relationship with attorneys when you see them regularly. They allow you to learn and develop skills that one might not otherwise learn in a classroom setting.

For Attorneys: If you are interested in helping law students network, here are some options for getting involved. You can join the Mentor Program by applying at [Attorney-Mentor Program | Willamette University College of Law](#). Additionally, you can advertise any public event by contacting a student organization that can inform all students of the event. Here is a link to the different student organizations at Willamette University: <https://willamette.edu/law/resources/student-orgs/index.html>

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Classifieds are one low flat rate for up to 30 words: \$15 members/ \$20 nonmembers. Additional word negotiable. Submit by the 12th. Interested? Contact Sarah Litowich at sarah@litowichlaw.com

Announcements



Congratulations to the Newest Partner of The Gatti Law Firm: Emily Crocker Stebbins

Emily's practice is dedicated to representing victims of nursing home abuse and motor vehicle collisions. Her clients know her to be deeply compassionate and a fierce advocate. She has secured a long list of outstanding results for her clients at trial, arbitration, and settlement. We are proud of the work Emily has done over the last 8 years at our firm and we look forward to many more. It is a pleasure to welcome her to partnership with our firm.

MCBA EVENTS

June 30, 2022: 2021 MCBA Awards Dinner

The Board of Directors of the Marion County Bar Association cordially invites you to attend our 2021 Annual Awards & Pro Bono Awards Dinner.

WHEN: June 30th, 2022 at 5:30 p.m.

The Judges' Reception begins at 5:30 p.m. followed by dinner and presentation of awards beginning at 6:30pm

WHERE: The Salem Convention Center

The Board of Directors of the Marion County Bar Association is proud to announce the 2021 Marion County Bar Association award recipients:

The Compton Award: Jon Brenner

The De Muniz Award: Carla French-Ferder

This year, we will also be taking a moment to recognize MCBA members who have recently retired.

If you or a colleague has retired in the year of 2021 or this year, please share their name with the MCBA board so we can recognize the individual for their contributions to this legal community at our event.

We look forward to seeing you there!

RESERVATIONS ARE REQUIRED to attend this event. Dinner is \$45.00 per attendee. Please register no later than June 24, 2022. You may also register by mailing a check payable to MCBA to: Monica J Lindsay 5305 River Rd N Suite B Keizer, OR 97303.

Be sure to include the name of each attendee and choice of entrée: USDA Prime Rib, Herb Sherry Marinated Chicken Airliner, or Eggplant Parmesan.

[Click Here to Reserve](#)

If you have any questions, please contact Monica J. Lindsay at monicalindsaylaw@gmail.com or (503) 390-2543.

Retirement Notice

The MCBA would like to acknowledge any community members who retired in 2021! If you or someone you know retired from the Bar in 2021, please notify Rebecca Kueny at rebecca@kuenylaw.com. We are also interested in hearing (and sharing) stories of those retiring, so feel free to add a blurb about the retiree so we can honor them!

Seeking Sponsors —First Tuesdays!

The MCBA holds an informal networking event the First Tuesday evening of each month. We are seeking monthly sponsors for these ongoing events. This is a great way to network in the local legal community and get to know your colleagues. For details, please contact Monica Lindsay at monicalindsaylaw@gmail.com.

Seeking Volunteers

The MCBA would like to bring back our photo directory! As we start to venture out of our quarantine bubbles, wouldn't it be nice to be able to put faces to the voices you've been listening to during remote hearings the past year? We are looking for a few volunteers to take on this project and to help gather photos. Please contact MCBA President Melissa Parker at parkerlawpc@gmail.com if you are interested in helping.

VAL SLOPER

This year's **Val Sloper Memorial Golf Tournament** will be held in September. Keep your eye out for notifications on the time and date and how to register!

THE WITNESS: TRIAL PRACTICE TIPS NO. 6

By: Tom Elden

It would be great if others contributed cherished thoughts to this space. A colleague told me my point in the last issue about a “wham” piece of evidence that elevates a case to where the case is almost invincible had also been taught to her by another lawyer. I gave a sigh of relief as I was not sure about how well I presented the idea as a useful concept. I do know I regret to this day defending a murder case in the military where I only used such evidence in settling and not in fighting it out. I had discovered in the purse of the prostitute victim a handful of pawn tickets indicating her mission was to rob her customers. I found the tickets when examining the lining of the purse with a circle of Naval Intelligence investigators watching me very closely.

In following the tabloid trial of Depp v Heard I read punditry about whether a witness should focus on the jury. “All the time”. “Some of the time”. Etc. Teaching Trial Practice as an adjunct at Willamette for Professor Tornquist I taught examination on direct is a triangle. I tell the witness I will pitch the question to the witness. The witness gives the answer to the jury. Beyond that one overthinks the process. Authenticity is key.

On the other hand in prepping a witness I have seen lawyers do very well in legitimately helping a witness to get their thoughts straight so they can withstand tough questioning from the other side. There is a fine line however beyond legitimate preparation and “woodshedding”. Wikipedia calls the latter “the act of impermissibly coaching a witness or unfairly prejudicing him during ex parte communications.” I defended another murder case where I had the advantage of going over the case with a key witness in the Philippines long before the case was tried in San Diego where the accused and his ship wound up. I had sufficiently gone over dramatic events with the witness and he did not waver on the stand under pressure from both the prosecutor and the judge. The witness had been threatened by a knife in the same episode as another victim was killed. But a key question in the way the case was pleaded and tried was whether this prosecution witness had actually been cut in the throat by the point of the knife. He held up. Finally I always made it a point to tell the witness to tell the truth. This seems obvious but on occasion opposing counsel may say well what did opposing counsel tell you. When that happens, it is a good day.

LINKS TO BULLETINS PAST

“Marion County Bar Website Under Development” by Jim Tiger

[MCBA Bulletin \(wildapricot.org\)](http://wildapricot.org) May 1999

Also in that issue: “Marion County Bar Establishes Jena V. Schlegel Law Student Emergency Fund” (This fund was actually put to use when I was on the board and we loaned \$500 to a law student in difficult times. He repaid the money. Sadly the fund to my knowledge is no more.)

Also in that issue: “Practice Tip for Multnomah County and the World” by Tom Elden. The article is dated but the idea of reading and digesting and examining everything in a file is still good advice. Similarly looking around for clues and even documents prepared by judges for practice in their court - in other

words discovering anything that you might not find unless you looked hard but might pay off.

Join the MCBA today!

The MCBA contributes to and supports our local legal community in a variety of ways. We host CLEs and social events, publish the MCBA Bulletin, and provide court updates and announcements. Our reoccurring annual events include the Court Staff Appreciation Lunch, the Val Sloper Golf Tourney, and the Holiday Party (a.k.a. Shrimpfest).

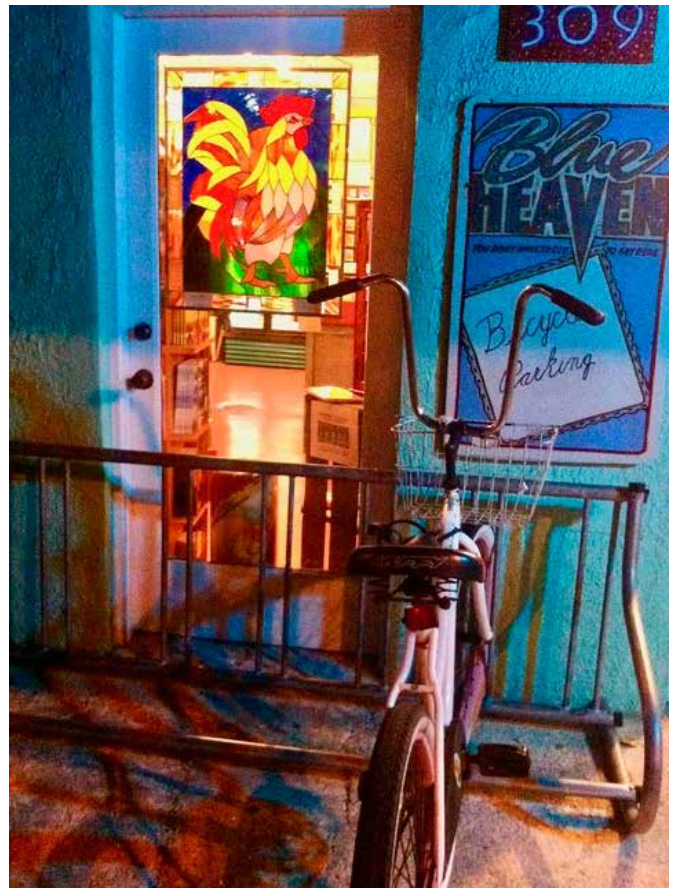
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