

# THE ECHO



November 2014

## OREGON ASSOCIATION FOR COURT ADMINISTRATION

### A MESSAGE FROM YOUR PRESIDENT, CHRISTINE WATTS

#### ABOUT OACA

Oregon Association for Court Administration is a professional organization committed to excellence. The association was established in 1977 and is Oregon's only organization for court professionals and those interested in the Court of Oregon. Our membership includes Justice, Municipal, Tribal and State Court Staff, students, vendors, active and retired judges, and

#### OACA MISSION

The goal of the OACA Board is to provide beneficial and reasonably priced learning experiences. This is done through conferences held biannually, one in the spring and one in the fall. Each conference provides formal training and allows attendees the opportunity to network with people from similar court environments. The Board works very hard to develop the educational agenda for each conference.

Hello everyone! I hope you're all doing well and enjoying this beautiful fall we've been having. First off, I would like to express my gratitude for allowing me to serve as President of our organization. I consider it an honor and a privilege to do so. Although I have some very big shoes to fill, I will do my very best to ensure that OACA continues to thrive and grow as an organization. I decided to run for this position because I wholeheartedly believe in OACA and the many benefits it provides its members. I have served as Conference Vice President and Secretary and have witnessed several positive changes over the years. However, there is one change very recently that I was not too pleased with and it's the reason I wanted to continue on serving OACA. At a recent board meeting the topic of "dissolution of OACA" was on the agenda. I've been to countless board meetings over the years and have not once seen this issue arise. Although it's understandably a policy we need to have in place as a safeguard, it's not something I would ever want to see happen to our organization. How else would we all stay connected? How else would we receive continuing education? How else would we get a mini vacation twice a year? In all seriousness though, it struck me to see that in black and white but it also prompted me to step up and assume this role. Kay has done a fantastic job as President and Past President and I will always be grateful for her guidance and leadership. My goal is to gain her knowledge and wisdom and continue down the path she and the many before her have led us.

Secondly, I would like to take the opportunity to thank all the board members who served this past term. Their dedication and contribution has not gone unnoticed. We have made some wonderful changes to help push us into the future. We will be launching a new website shortly that will allow all members to be more interactive and bring us into the "modern world" with conference registration, membership renewal and such. This would not have happened had it not been for this board. My hat goes off to them! I'm pleased to say some of these wonderful folks are either returning to their position this term or tackling a new one!

Speaking of new, I would like to welcome these "new to the board" board members. Courtney Cox and Mary Shroll from Tualatin Municipal Court are co-chairing for Education Vice President. Tin Hoang from Beaverton Municipal is co-chairing with Debra Arntsen for Conference Vice President. (Debra moved from Education this term.) Sue Carlile-Hopper from Beaverton Municipal is our Secretary. We have two new directors as well, Sandi Bonn from Washington County Justice and Court Allison Sederlin from Springfield Municipal Court. I appreciate their willingness to serve and I'm looking forward to serving right alongside them to make this another successful year for OACA and Oregon Courts.

This past conference was one filled with stellar education as per the usual. Please take some time to read the reviews of the classes included in this issue of The Echo. As always, the board appreciates the help of the members who volunteer to write these session reviews. It was a pleasure seeing everyone at the conference. Your ideas and knowledge are always impressive and I appreciate the opportunity to network with you all. A big thank you goes to the vendors for their participation and contribution. Without them, we would not be able to grant scholarships to those who have even tighter budgets than most. The way they support our organization is incredible!

If you have any ideas or suggestions you would be willing to share, I'm all ears! We have compiled the Overall Conference Evaluations and there were some great suggestions, so please keep them coming! I am very excited to hit the ground running this term and do my very best to live up to the legacy set before me. Best regards-Chris

## Membership

Membership is getting ready for the 2015 membership renewal process that will be taking place in January. In the ECHO newsletter is a application for you to fill out and return with your membership dues. Your OACA membership is from January thru December and must be renewed each January. Do not miss out on the great opportunities that OACA offers. Your membership provides you with the most outstanding training opportunities that you could ever hope to obtain. OACA offers two conferences a year for the membership to network and obtain valuable information to take back to your courts.

Please help us keep our membership information current by contacting us if you have had a name, address, phone number or email change. You can make the change on your membership application renewal form or complete the address change form on our website.

OACA always welcomes new members and encourages our members to recruit new members from their colleagues and acquaintances. An incentive for recruiting new members is that the association offers some valuable rewards. **Refer 3 members in a year and win a free annual membership! Refer 5 new members and win a conference registration!** Just make sure the new member you refer writes your name on their application as the person who referred them.

### Fall Conference New Member Breakfast

We had a wonderful fall conference at the beautiful Salishan Resort. We held our fall new member breakfast which we had 11 new members attend. It was held on the Sunday, the first day of the conference and gave the new members an opportunity to be welcomed by the board and given information regarding the organization.

### New Contact Information

We have new contact information for membership. Your new membership Vice President is Holly Brown, she was elected at the board meeting at our fall conference. Holly's contact information is : [hbrown@cityofsalem.net](mailto:hbrown@cityofsalem.net).

It has been a pleasure to serve as your membership vice president and I will be serving this next year as a director on the board.

Carla Bantz



# Oregon Association for Court Administration

## 2015 MEMBERSHIP APPLICATION

The Oregon Association for Court Administration is a professional organization developed to provide educational opportunities for those individuals interested in the ongoing improvement of the administration of the courts in the State of Oregon. By your signature below, you signify your understanding that your membership in OACA is subject to the By Laws of the Association.

**Please fill out application how you would like it to appear on all documentation:**

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Name (Please Print)

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Title

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Referred by (Please print clearly)

Annual dues are per calendar year (January 1 through December 31) and must accompany this application. Membership in OACA is transferable if dues are paid with public funds and person terminates position. Make check payable to OACA, and forward the application and dues to:

**OACA TREASURER**

**Anna Mae Gliebe**

**PO Box 4755**

**Beaverton, OR 97076**

**Ph: 503-526-2358**

## CONFERENCE FOLLOW-UP

Fall 2014 Conference was great! Thank you to everyone who attended. The Oregon Coast always provides a great setting for conferences. A huge thank you to Debbie Arntsen for lining up excellent educational opportunities for us this Fall.

Our conference critique provides great feedback from you about your experience. We rely on your feedback to continually improve our conferences. We had an excellent response rate this conference and made the critiques available both in paper and on-line. Overall the ratings on the educational component were good, 87% rated the overall conference as 'excellent' or 'very good'. The Dealing with the Mentally Ill and Bridging the Generational Gap sessions were among the favorites.

We received a lot of very good feedback and comments; the Board will review your input at our next board meeting. Thank you to all who took the time to fill out the evaluations. We will continue to have the on-line survey available at future conferences. We love to hear from you!

Please welcome your new Co-Vice Presidents of Conference, Debra Arntsen and Tin Hoang. If you have ideas for future conferences please contact either of them with your ideas (Debra Arntsen ([darntsen@beavertonoregon.gov](mailto:darntsen@beavertonoregon.gov)) or Tin Hoang ([thoang@beavertonoregon.gov](mailto:thoang@beavertonoregon.gov))).

Thanks to everyone who helped make this conference such a wonderful experience. Please include in your plans for the Spring the OACA Spring Conference at Agate Beach! Hope to see you all there!

Looking Ahead, we have two great conference venues for you in 2015! Our Spring conference will be April 12-14, 2015 at the Best Western Plus Agate Beach Inn. As you may remember, the Board has a contract with this venue through Spring 2016 for our Spring conferences. This location has great beach access and wonderful rooms with a view. So rain or shine you are in for a treat.

Our Fall conference will be October 18-20, 2015 at the Red Lion Hotel on the River in Portland Oregon. Free parking, close to shopping, great views of the Columbia River and trails to take a relaxing walk/jog. Our hope is to include some breakout sessions where your case management vendors can have user meetings. If your system is not represented, feel free to join another session and see what some other technologies can do. You may pick up a couple of great ideas to apply back at your office.

Of course, as always, we will have a great line up of educational choices at both conferences!

## COMINGS & GOINGS

As your past Education Vice President I wanted to take a moment and express my deepest gratitude on your overall feedback regarding on the classes and presenters from our last conference. Every conference I tried to bring you interested and informative classes.

There were many of you that wanted more information regarding the class Dealing with the Mentally Ill. April Lee has sent me a flyer regarding upcoming classes, she is also offering a special rate for those classes. If anyone is interested I can forward the flyer to you. Please contact me @ [darntsen@beavertonoregon.gov](mailto:darntsen@beavertonoregon.gov)

Also, I would like to congratulate Courtney Cox and Mary Shroll from Tualatin Municipal Court; they have been elected as your new Co-Vice Presidents of Education.

I would like to take a moment and introduce Tin Hoang and myself Debbie Arntsen, we are your new Conference Vice Presidents. Tin and I both work for the City of Beaverton Municipal Court. Tin is a Court Systems Specialist, so he is my go to guy for technical advice and I am a Court Operations Supervisor.

We are asking you to email us on what types of activities that you would like to see at the Past Presidents Reception. Also, please contact us if you have any ideas for future conferences or anything else that would enhance your overall experience. [darntsen@beavertonoregon.gov](mailto:darntsen@beavertonoregon.gov)

### **Courtney Cox, our new Co-Education Vice President**

**What court do you work for and what is your position?**

I am the Court Administrator at Tualatin Municipal Court.

**How did you first get involved in OACA?**

I got involved with OACA in 2008, when I accepted my current position.

**What is your favorite way of spending time?**

I love spending as much time as possible having fun with my nine year old daughter, Mia. I enjoy playing kickball, and traveling with my group of friends.

**If you could be or do anything else, what would that be?**

I would love to live and hang out at the beach everyday in Mexico.

**What is or would be your favorite place to vacation?**

I spend time in Mexico every chance I get. !!Viva Mexico!!

**What made you decide to run for this position?**

No one made me, Haha! Mary and I thought it would be a good experience and thought we'd give a go!

**Mary Shroll, our new Co-Education Vice President**

**What court do you work for and what is your position?**

Tualatin Municipal Court, court clerk

**How did you first get involved in OACA?**

When I came to work for Tualatin, the court was already part of OACA. The spring conference in 2012 was my first experience with OACA. I gained some important insights (about myself) during that conference that had an impact on my outlook at work.

**What is your favorite way of spending time?**

I love to spend time with my family.

**If you could be or do anything else, what would that be?**

Maybe have a small coffee shop or run a B&B or small inn.

**What is or would be your favorite place to vacation?**

I love Alaska!

**Allison Sederlin, our new Director**

**What court do you work for and what is your position?**

I work for Springfield Municipal Court as a Senior Court Clerk

**How did you first get involved in OACA?**

I got involved with OACA in Spring 2014 when I received a scholarship to go to the conference.

**What is your favorite way of spending time?**

I enjoy camping in eastern Oregon, traveling, spending time with my family, friends, and two dogs.

**If you could be or do anything else, what would that be?**

A professional horse trainer

**What is or would be your favorite place to vacation?**

Kona, Hawaii is the best vacation place I've ever been.

**What made you decide to run for this position?**

To gain experience, and be more involved in the organization. To help keep it strong and moving forward.

**Is there anything else you would like to share about yourself?**

I am 24, I have been married for a year and a half, and my only kids are two very spoiled Shetland sheep dogs named Tucker and Winston.

I am very excited to be more involved with OACA, meet and network with everyone, and help in any way that I can.



## Sue Carlile-Hopper, our new Secretary

### **What court do you work for and what is your position?**

BEAVERTON MUNICIPAL COURT

Court Clerk, Appeals Clerk, Transcript Coordinator, Jury Coordinator, Court Reporter

### **How did you first get involved in OACA?**

Debbie Arntsen needed speakers for her new position as Vice President of Education. She had people asking about becoming a court of record, and working with the Appellate Court. Beaverton Municipal Court had went through the process of becoming a court of record, so I was able to be a speaker for her. This was my introduction. I not only was a speaker, I attended all 3 days and loved it. I have hosted sessions every time since my first time. Debbie never let me out of that. Our court has always been close to OACA as Kay Renfro is a big advocate for the organization.

### **What is your favorite way of spending time?**

If I ever do have any, I like to read and do the circle-the-word puzzle books. I also like to go to home and garden shows when they are in town.

### **If you could be or do anything else, what would that be?**

Retired! But only with a lot of money to spend! I would like to have my house paid here in Oregon and stay in a warm area like Arizona during winter. I would Travel to RV parks and stay as long as I wanted. During summer come back to Oregon and do yard work or pay someone to do it, then sit around in the cooler weather with ice tea and watch my grandson play in the yard.

### **What is or would be your favorite place to vacation?**

I don't get to really go anywhere for vacation. If I could, I would like to go to Europe someday. France, Spain, Germany, Italy.

### **What made you decide to run for this position?**

I have been on a board for 4 years with Glencoe Girls Lacrosse. This is a club a lot like OACA. We are funded by registration fees, donations, and fundraising. It is hard to get people to want to run for the board, and become committee members. With this background, I felt I could be of help to OACA. I know we need committees and people to run the organization. Many people do not know what goes into putting on the conferences, the newsletter, the website, etc. I have signed up for committees in the past before deciding to go for a board position. I have hosted sessions and was a speaker. I have kind of worked my way up to where I felt comfortable taking on this role.

### **Is there anything else you would like to share about yourself?**

I love Chocolate! Chocolate cookies, brownies, but favorite is chocolate candy bar. Good Swiss or Dutch chocolate.

### Misdemeanors and Traffic Rap Session

We had yet another informative and useful session.

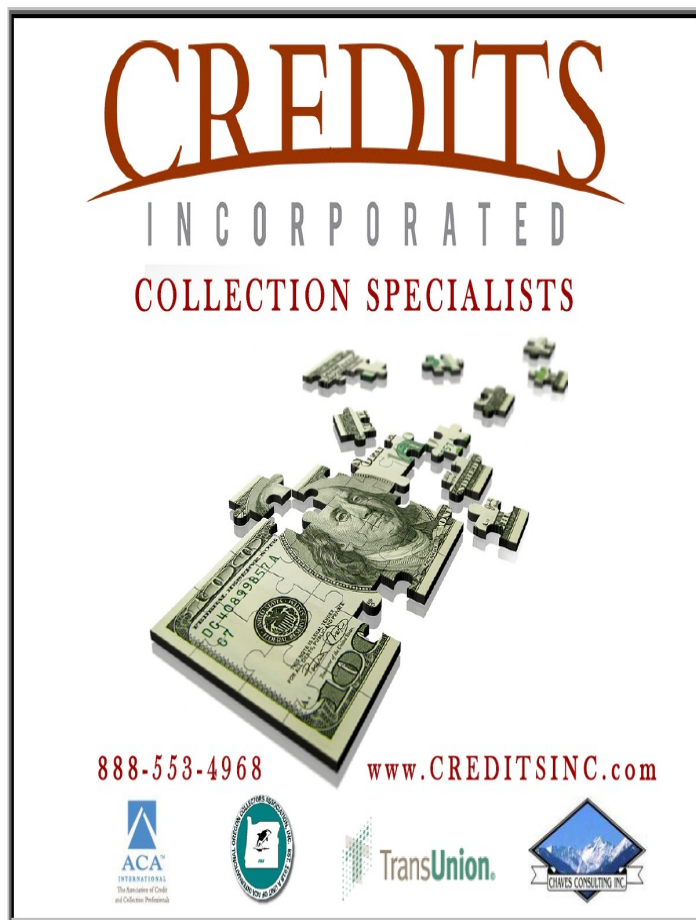
We started with standard for dispositions and criteria used. Most courts have their criminal cases adjudicated within a year.

A question came up on compensatory community service and what the courts do in case the defendant is unable to complete it due to physical and other limitations. It was decided that most courts have the defendant see the judge. For liability issues, it was suggested that the court create a release form that the defendants sign before doing any community service.

Statistic reporting was the next topic. Most courts do it. Lake Oswego Municipal court is one of the courts to have good systems for the reporting and it is quite easy. Others, like Beaverton Municipal Court, have a harder time due to the system not supporting it.

Warrant fees are different in many courts and go from \$50 to \$150 per warrant.

Staff per judge/ ratio question came up. With calculation of court time and number of clerks, we found that some courts need more clerks to balance the number of cases (includes using judges' time and clerks' time to come up with the ratio).



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Interpreter question came up. It was asked “is the Deputy Court Clerk allowed to translate for the court appointed attorney and /or for the courtroom?” The unanimous answer was “no”, because of conflict of interest. For a lot of smaller courts, the issue they have is that they are told there is no money in the budget for interpreters. It was suggested that they use language line and conduct hearing with interpreter over the phone, or use Passport to Languages or other local agencies for in-person translation.

Judge Akins was there to answer legal questions, and Kay was there with her knowledge of court rules and proceedings.

Reviewed by: Emira Vejo  
Beaverton Municipal Court



## Justice Court Rap Session

As always the Rap Session was very informative. There were about 20 clerks present. Vonnie Healy did a wonderful job of facilitating the session.

The session started off with a discussion about using DOR for collections. It was suggested that if you use DOR get as many cases turned over as possible, there is talk that we may get a kicker check this year. Also that if you use a collection agency you must send a demand letter before sending cases to collection agencies.

Angie Debban gave an update on the about the local court report that 100% of the Justice Courts that use MAJIC responded to. The State is requiring this information so Chaves Consulting created a form that will make it easier to get the information and send it to the State.

Vonnie Healy excitedly gave a presentation on the file retention. She works for Reedsport Justice Court and they had Stephanie Clark from the Oregon Archives Division come in and help them get started with scanning the records into the HP-Trim system. They were able to get rid of boxes and boxes of old records. Please contact Vonnie at 541-271-4868 or [kahealy@co.douglas.or.us](mailto:kahealy@co.douglas.or.us) for more information about the system.

We always learn so much from each other so don't miss the next Rap Session

Reviewed by: Joyce Denver  
Lane County Justice Court



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### Municipal Court Rap Session (Traffic Only)

This session was well attended. It was facilitated by Mary Schroll and Cortney Cox from the Tualatin Municipal Court and our also are new Co-Education Vice Presidents.

There was a lot of discussion about what the different courts have for policies and procedures; such as, arraignments. Some allow resets for a first appearance and then there are some that don't citing that the person has had the ticket for a long enough time. We also discussed if trials are allowed to be rescheduled, this also ran the gamete of procedures. Some require a written notice 7 days prior to the date and also had some courts that require defendants to post bond in order to reset or if a letter of representation is received. If a person fails to appear for a trials some judges are imposing the maximum fine and a suspension for the defendant's license is sent.

Payment plans were discussed, court will add a installment fee that is listed in their city's fee schedule and some courts add a 25% fee on the plan.

Interpreters - Some courts do not have any security measures in their court, other employ a armed security company or police officer for their court appearance days.

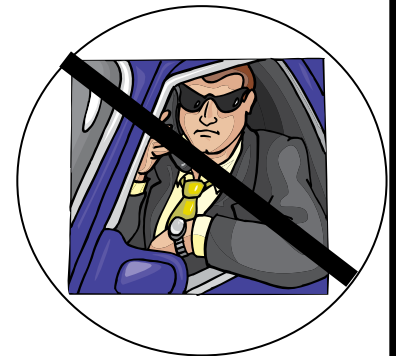
Dismissal Fee - It was asked if court have dismissal or compliance fees: a majority of the courts will charge a fee for dismissal of equipment violations that range from \$35 to \$200 depending on the violation.

Deferral classes; various court have programs for cell phone violations, seatbelt and pedestrian offenses.

Reviewed by:

Michelle Ash  
Stayton Municipal Court

Carla Bantz  
Milwaukie Municipal Court



Have a question you need an answer to? Then check out the OACA Chat Group do find out how other courts are doing things. Go to <http://groups.yahoo.com/group/OregonOACA/>

Check frequently as you may also have an answer for someone.



## MSU-Essential Components of Court

Jim Woodward was the instructor for Essential Components of Court. Essential Components are those programs and services that support judicial decision-making, adjudication of court cases and responsibilities to the public. Some essential programs and services are controlled by the court, while others are under the control of Justice Partners or other stakeholders. Effective management of essential components is measured by how well they are deployed to support the overall dispute resolution mission of the court operating as a separate branch of government.

The objectives for the course were: Learn how Essential Components are linked and inter-dependent; Strategies for managing these services to support the mission of the court; Recognize the skills required to collaborate with others who control resources needed by the court and Tips for sustaining programs as conditions evolve.

Mr. Woodward talked about the Ferguson, Missouri story (Michael Brown story) and how as this story has unfolded it has put the Municipal Courts in the spotlight.

For courts that have lost their way, the right questions to ask are: How did we get here?; Why do we operate as we do?; What is our future on this path?; What needs to change? And, Where is the leadership?

Mr. Woodward had a list of about 36 Key Essential Components . We of course were not able to, as he said “drill down”, into each one of these Essential Components for a full discussion but did get through many of them. A Few of the Key Essential Components and topics we discussed under the components are:

Appointed Counsel: Are they volunteers from the bar?; Compensation Options; Civil needs Exceeds Resources. Criminal Defendant Detention Decisions: Proximity issues/Access to Family and Counsel; Medical needs of the Defendant; Costs of travel by Counsel and Impact on Court schedule/Police resources.

Pro Se Litigants or Self-Represented: Helping pro se parties helps the court; making tools available; lawyer referral programs; legal information vs legal advice; courtroom accommodations and equal access to justice.

Case flow Management: Case flow management practices impact all cases from filing through final disposition and beyond; Early pretrial case management culture; Strive for uniformity; Promote systems for reducing delays (continuance policy); monitor performance data (ask questions); experiment (expedited trial track).

Reviewed by: Niki Hubbard  
Lebanon Municipal Court

## **Bridging the Generational Gap**

Let me start by saying that I don't recall attending a more entertaining session. April Lewis and Carol French are very dynamic speakers who use humor to effectively impart their considerable knowledge and experience. April and Carol provided numerous opportunities to interact as they led the discussion about and provided examples of the 5 generational groups: RADIO/TRADITIONALISTS, BABY BOOMERS, GENERATION X, MILLENNIALS, SELFIES.

We broke into large groups based on the generation we most identified with to participate in an exercise that was very enlightening to me personally. The generational groups were given four areas to discuss:

1. List significant events from your formative years.
2. How did those events shape your values?
3. What do you admire about other generational groups?
4. What do you wish other groups understood about your group?

It was interesting to see the differences and similarities among the groups.

This session imparted valuable lessons about recognizing your unconscious biases and overcoming your assumptions. It taught me to CARE:

**C**ultural Humility

**A**wareness of self and others

**R**espect – find out what it means to \_\_\_\_ (customer, coworker, etc. )

**E**mpathy

I highly recommend this course and specifically April Lewis and Carol French.

Reviewed by: Dori Oliveira  
Bend Municipal Court

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## **E-Courts**

Daniel Parr, an attorney with the Oregon Judicial department in the Office of Education, Training and Outreach gave a presentation on the state's implementation of Oregon eCourt management system. Tackling this tech project took governance, vision and managing change.

The strategic plan was developed in 2001. After lots of planning, eCourt was launched in 2008. Strategy modified in 2010 to a single solution provider approach, Tyler/Odyssey. Tyler is the managing system for case, content and financial management.

Currently, 11 judicial districts are up and running and other districts will follow until completion in 2016. The project is take advantage of technology to transform court operations. Electronic filings and remote public access are just some of the highlights of the system.

Oregon eCourt will give courts and Judges the tools they need to provide just, prompt and safe resolution of civil disputes; to improve public safety and the quality of life in our communities.

If you'd like a presentation of Oregon eCourt you can e-mail [oeto@OJD.state.or.us](mailto:oeto@OJD.state.or.us) or phone (503)986-5911.

Reviewed by: Becky Robertson  
Linn County Justice Court

## Criminal Case from A-Z

Mr. Owen began by explaining that the criminal process starts when a crime is committed and it is reported to the Police. The Police initiate an investigation to first determine if the act is a criminal offense. If it is, they then gather evidence to determine who committed the act. Both the Police and the prosecution are guided by certain constitutional amendments including the 4<sup>th</sup> amendment (no unreasonable search and seizure), 5<sup>th</sup> amendment (cannot be deprived of due process, cannot be compelled to be a witness against yourself and the double jeopardy clause), the 6<sup>th</sup> amendment (speedy and public trial, the right to counsel and to confront witnesses and to be informed of the charges) and the 8<sup>th</sup> amendment (cruel and unusual punishment).

If an arrest is made, the prosecutor may proceed with the charges, may add or change charges, may send it back to the Police for additional investigation or may decline to prosecute. If a defendant is in custody on a felony, a grand jury must be held within 5 judicial days. At arraignment the defendant is provided a copy of the charging document. Trial must be held within 60 days if the defendant remains in custody. Discovery then takes place which involves the prosecution turning over witness statements and evidence information to the defense. The presumption of innocence places the legal burden upon the prosecution to prove all elements of the crime beyond a reasonable doubt and to disprove most defenses. During the trial the Judge acts as a processor, courtroom manager and decision maker. The Rules of Evidence control the how, what, when, why and why not when it comes to questioning witnesses and introducing evidence. The phases of the trial consist of opening statements, the State's case in chief, the defense's case (optional), the State's rebuttal case (only presented if defense presents a case), State's first closing argument, defense closing argument and finally the State's rebuttal closing argument. The case then proceeds to the Jury or the Judge in a bench trial. After deliberations comes the verdict. If found guilty, then comes sentencing and possibly an appeal.

Reviewed by: Sue Hudson Rau  
Forest Grove/Cornelius Municipal Courts

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## Dealing With the Mentally Ill

As many may have expected, this class went over a variety of different disorders, behaviors and actions that others may have and that we may experience in our field of work.

Brian Wolff was a great speaker. He took what would normally be an eight hour class and shoved a majority of it into three hours for the OACA presentation. He is a licensed Clinical Social Worker and a Certified Drug and Alcohol Counselor. He currently operates his own counseling practice out of Hood River, Oregon. He was very knowledgeable in his profession and made it very easy and interesting to listen to his presentation.

In our line of work, we deal with a lot of challenging people with these disorders and behaviors. A few points that I feel were very helpful has to do with the use of the word "normal". With individuals that are Bi-Polar, he pointed out that you should never use the word "normal" as a description word, to use the word "typical" instead. The late Robin Williams was diagnosed as Bi-Polar and he struggled with it daily. In fact, there are many celebrities that struggle with this condition.

Another interesting point that Brian made was that the use of marijuana is a huge contributor to many disorders and there is no research that favors the use of THC once diagnosed but that some tend to lean towards marijuana use or smoking to help self-medicate. It is suggested by him to avoid LSD, Marijuana and any high-psychosis drugs all together if diagnosed with such disorder.

This presentation was not only educational but it was also fun and very interesting. With this class being filled with so much great information, I hope that I will soon be able to attend the full eight hour session as I feel that it would be very helpful to me and my everyday customers in my line of work.

Reviewed by: Mandy Balcom  
Coburg Municipal Court

The JWorks logo features the word "JWorks" in a bold, sans-serif font. The "J" is black, and "Works" is black with an orange swoosh underline. To the right of the logo is a large, dynamic image of water splashing upwards, creating a sense of movement and energy.

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## Appeals

Tira Van Loo of the WA County Circuit Court presented a review of the appeals process from the Municipal and Justice Courts to the Circuit Court level. She stated courts of record (such as City of Beaverton or Florence Municipal) skip the Circuit Court level and cases are sent directly to the Appeals Court in Salem. For courts not a court of record, appeals are sent to the Circuit Court, where a *trial de novo* is held. She explained the term as a form of appeal in which the Circuit Court holds a new trial as if no prior trial had been held. Flow chart handouts of the appeal process and document samples of a conviction were distributed. The speaker emphasized the procedures presented were those of the WA County Circuit Court, and may differ from those of other Circuit Courts.



For traffic infractions or criminal cases, a \$377 (\$252 filing fee + \$125 trial fee) check must accompany the Notice of Appeal and lower court's records when submitting an appeal to the Circuit Court. If no check is attached, the WA Circuit Court's procedure is to return the appeal to the lower court.

If a party is unable to pay the \$377 he can request a fee deferral from the Circuit Court clerk's office, which requires completion of financial statement forms and an interview. If the fee deferral is approved, the Circuit Court notifies the lower court.

Circuit Courts utilizing the Odyssey system, may allow the lower court to email their file, however, lower courts should verify with their Circuit Court to determine the appropriate method of sending files.

If convicted in Circuit Court, the Court waits 30 days to determine if there is an appeal to the judgment. If there is no appeal, the Circuit Court returns case documents and a certified copy of the judgment to the lower court. In a dismissal or acquittal, the judgment is sent to the lower court immediately (no waiting period).

It was emphasized when the Circuit Court makes its ruling, the case becomes a collectible judgment from the Circuit Court, *not* the lower court. The lower court's conviction should be removed to avoid two convictions or two suspensions on a DMV record.

There was some discussion as to whether an appeal on an infraction is automatically stayed. An audience member cited ORS 138.057 (1)(B)[d]: "The filing of a notice of an appeal from a judgment involving a violation does not act to automatically stay the judgment." The speaker indicated each Circuit Court's practice is subject to how the judge interprets this statute.

The Appeals session was well attended, with many questions and comments from those present. As indicated by the speaker and audience, the procedures for each Circuit Court varies, and the best practice is to verify with *your* Circuit Court as to their requirements.

Reviewed by: Deborah J. Lobey  
Lane County Justice Court

## Department of Motor Vehicle

This year the DMV has gone thru quite a few changes in personnel. Chris Phelps is the Manager of the Record Services Unit. Dani Harp is the Manager of the Accident Reporting & Insurance Unit. Susan Schlipf, Manager of the Driver Suspension Unit.

This year we received the Desk Reference Manual in a CD format. If you need it just call DMV and ask them for a copy of the OACA Desk Reference Manual. You can refer to pages 77-78 for the No Post Conviction list.

Measure II: If it passes it requires issuance of "Driver Cards" to individuals who cannot prove legal presence. It will take effect on December 4, 2014. Cards will look different than the driver's license and will not be able to be used for identification purposes.

Driver cards will be good for 4 years; instruction driver card is good for 2 years Requirements:

- ◆ Valid, unexpired, passport issued by country of citizenship
- ◆ Valid, unexpired consular card issued by a DMV approved consulate
- ◆ Proof of residency in excess of 1 year from the date of application
- ◆ Social security number will be required if assigned, or submit a statement of ineligibility.

### *Reminder*

Under HB3047, the fix of the Richardson case: If the suspension was issued prior to 01/01/08 we are not able to re-suspend. The only way around it would be if you had done a Fail to Appear, then now you can suspend as Fail to Comply. If the suspension was issued on or after 01/01/08 then the suspension is good for ten years. Any suspension after 01/01/14 is good for 20 years and DMV is going by the offense date.

DMV headquarter will only accept clearances form the courts, not from the drivers. However, if the driver comes into your office and receives a copy of the clearance they can walk that into a field office. If courts are faxing clearances please DO NOT mail them to DMV.

If you subpoena driving records there is no fee. The subpoena just needs to be sent to Records Services Unit and they will send them certified to you

Reviewed by: Karen Halter  
Woodburn Municipal Court

**OACA thanks all the vendors who contributed to make this OACA conference a success.**

Some of you may not know but vendors pay a fee to be at the conference and that fee goes to pay for scholarships so those in need of help are able to attend the conference. Fall conferences are a great time to learn about all the different vendors and what they have to offer. For more information about vendors see the OACA website at: <http://www.oaca.org/>

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