

Judge's Corner

MOTIONS IN LIMINE

*The Honorable Josephine Mooney, Lane County Circuit Court
(11/15/2018)*

Motions in limine are often over-used and frequently ineffective. Some lawyers include everything from soup to nuts – whether they need to or not. The motions take time and potential jurors already unhappy to be missing work are made to wait even longer before voir dire can begin. To avoid frustration and unnecessary delay, each motion should be carefully considered before it is included.

Historically, motions in limine were not favored. Nielsen v. Brown, 232 Or 426, 430, 374 P.2d 896 (1962) (the procedure of attempting to ‘suppress’ testimony before a witness is called to the stand is not to be commended). Although OEC Rule 104 tells us that, when the interests of justice require it, preliminary questions concerning the admissibility of evidence are to be determined by the court, you still won’t find the word “limine” anywhere in the Oregon Revised Statutes. Current case law supports such motions. *But keep in mind that they are supported as a mechanism to further efficiency and justice.* State v Foster, 296 Or. 174, 674 P.2d 587 (1983) (the “motion in limine” provides a legal procedure to flush out problems before a jury is contaminated with the evidence. The old cliché, “you can’t un-ring a bell,” still applies).

Think hard before filing:

1. Are you simply asking the court to exclude all irrelevant evidence? or all hearsay statements?
2. Are you seeking to exclude evidence beyond the scope of the pleadings?
3. Are you filing motions that are not seriously in dispute (i.e. regarding insurance) or that seek to exclude evidence that your opponent does not intend to offer?
4. Are you using a template that pre-dates your Bar number by more than 3 years? Can you reduce the number of motions to less than ten?

Think a bit more:

5. Have you spoken with opposing counsel to determine any objections?
6. Have you narrowed the scope to specific and identifiable statements or evidence?
7. Which motions really matter to your case?
8. Do you really think that the potential evidence would be so unfairly prejudicial that the judge should rule before hearing any evidence?
9. Have you got your list of motions down to five or less?

File your motions.

LCBA HOLIDAY PARTY

Please join us for the annual LCBA Holiday Party as we celebrate the Holidays and the New Year with hors d’oeuvres and drinks (a drink ticket for one free drink will be provided at the door). The Holiday Party will be on **December 12, 2018**, at **6:00 p.m.** at the Hilton Hotel at 66 E 6th Ave, in Eugene. The event is free for LCBA members and there is no need to register prior to the event. Any non-members wishing to attend should email



Erik Bonn or **Kristen Brouhard**, the Program Co-Chairs, at bonn@gleaveslaw.com or Kristen@adastralegalservices.com for payment and RSVP details.



HOLIDAY OPEN HOUSE

Public Defender Services of Lane County, Inc.

Holiday Open House

Hosted by The Board of Trustees

December 7, 2018

5:30 P.M. -8:00 p.m.

1143 Oak St, Eugene, OR 97401



Announcements



Senator Jeff Merkley, recipient of the **Richard M. Ginsburg Outstanding Leadership for Immigrant Rights Award**, seated next to our own **Ms. Raquel Hecht**, recipient of the **Gerald H. Robinson Award for Excellence in Immigration Advocacy**, at the recent American Immigration

Lawyers Association Oregon Annual Gala in Portland. Congratulations to both!



Lane County Law Library News



LANE COUNTY LAW LIBRARY: WE'RE STILL HERE!

Sue Ludington, Law Librarian, Lane County Law Library

Dig deep in the memory hole: When's the last time you visited the [Lane County Law Library](#)? I know for a fact I've met many of you in the nine months I've been working as the County's Law Librarian, so *some* of you know about us. However, if it's been a while (or never?!), you're enthusiastically encouraged to come check us out!

Conveniently located in the basement of the County's Public Service Building (adjacent to the courthouse), the Law Library proudly offers numerous print and electronic resources, along with many complementary services. These include circulating CLE seminar materials (on audio CD) good for MCLE credit; online access to Westlaw, OSB BarBooks, National Consumer Law Center, and Heinonline subscription databases; all sets of superseded Oregon statutes and Oregon Administrative Rules available in print; and amenities like photocopiers, a small meeting room, and quiet spaces to read and relax while spending the day in court. All this and a friendly law librarian ready to provide assistance with your legal research questions!

Perhaps one of the most exciting actions we've taken is to revive the [Law Library Advisory Committee](#) (LLAC). This non-mandated Advisory Committee of Lane County "advises the Law Librarian and Board of County Commissioners regarding the operations, policies, and financial requirements necessary to maintain adequate law library facilities and services."

Three of the seven LLAC members are appointed by the LCBA Executive Board, with each member serving a 2-year term. The Law Library couldn't be more pleased to have **Sebastian Tapia**, **Michael Hajarizadeh**, and **Emily Cross** currently represent the LCBA on the LLAC; further, Sebastian has been elected as LLAC Chair and Michael has been elected as Vice Chair for 2018-19.

With the Advisory Committee in place, the LLAC and Law Librarian are very interested in receiving any and all feedback from LCBA members regarding Law Library materials and services – those they now value or, conversely, those they wish we could offer. Secure Wi-Fi with remote printing? A larger meeting room space to conduct depositions? Specific legal treatises that would support your area of practice (and a preference for digital format over print, or vice versa)? Please, share your thoughts with us!

The Law Library is open **Monday through Friday from 8:00 a.m. to 5:00 p.m.**, whether or not it is staffed. Fortunately, we strive to have staff on duty most days so, except during the lunch hour, someone should be available to check out materials and otherwise provide assistance. Attorneys are invited to contact us in advance, to confirm if staff will be around during your planned visit. We're also happy to respond to phone calls and emails, as we're able.

So, come visit us in the basement! We look forward to seeing you.

CONTACT:

Lane County Law Library
125 East 8th Avenue
Eugene, OR 97401
lclawlib@co.lane.or.us
541-682-4337



Edward P. Thompson passed away on November 26, 2018, after suffering a stroke and head injury while on vacation and body surfing on a beach in Florida. His wife and four children were by his side when he passed. Admitted to the Oregon State Bar in 1971, Ed practiced law in Eugene-Springfield for over forty years. He was active in his local community, most recently as a long time board member of Saint Vincent de Paul and arranging programs for the Metropolitan Rotary Club of Eugene.



FREE 1 HOUR PROBATE CLE

The December **Lane County Probate Committee CLE** will be held on **Tuesday, December 11, 2018, from 12:00 p.m. to 1:00 p.m. in Courtroom 302**. **Jane Stewart**, Estate Planning, Administration and Elder Law, will speak on the topic of *New Estate and Probate Legislation & Case Law*.

Announcements

Dr. Clare Fowler is offering a course in Basic Mediation Training to UO School of Law for alums and local practicing attorneys who want to add mediation to their practice. Guest lecturers/practicing local attorneys to be announced. 40 hours of General CLE credits and 2 hours of Ethics credits to be requested. See flyer attached to this newsletter for information on scheduling, cost and registration.

2018-2019 LANE COUNTY PROBATE CLEs**Place: Judge Holland's Courtroom #302****Time: 12:00 p.m. – 1:00 p.m.**

(Subject to change.)

DATE	TOPIC / SPEAKER
December 11, 2018	New Estate & Probate Legislation & Case Law Speaker: Jane B. Stewart , Estate Planning, Administration & Elder Law
January 8, 2019	OPEN
February 12, 2019	Wrongful Death in Probate: Single Action vs. Class Actions - Asbestos, Drugs & Others Speaker: Panel Discussion
March 12, 2019	Probate & Trust Litigation: Pre-filing Considerations & Post-filing Practicalities: Motions, Discovery, Evidence & more Speakers: Jessica Rogers & David (Jake) Jacobs
April 9, 2019	Small Estate Affidavits: Requirements, Limits, Operation, Considerations Speaker: TBA
May 14, 2019	Postmortem Trust Administration: The Settlor died: What now? Speaker: TBA
June 11, 2019	Annual Planning Meeting Place: TBA

Attorney Positions Available

Gleaves Swearingen, a trusted and distinguished business law firm in Eugene for almost 100 years, is expanding and seeking lateral transfer attorneys to join the Gleaves team. We are seeking lawyers for our firm's Business and Transactions, Litigation, and Estate Planning practices. Our firm takes great pride in providing clients with high quality legal guidance and our people with a rewarding work life balance. Candidates must have strong academic credentials and meaningful professional experience. Please send cover letter, resume, and writing sample to **Claudia Horner**, Gleaves Swearingen, 975 Oak St, Suite 800, Eugene, OR 97401, or email to horner@gleaveslaw.com. All inquiries will remain confidential.

Eugene Municipal Court is seeking interested Oregon attorneys who would like to be part of our court appointed criminal defense attorney pool as conflict counsel. Must have professional liability insurance. Sample annual contract and compensation information available upon request. Please email Kristina.I.Rhamy@ci.eugene.or.us or call **Kristi Rhamy** at 541-682-5405 to inquire.

Coming in February**Registration Now Open!**24th OLSPIF Auction**Friday, February 15, 2019**

Eugene Hilton, 5:30 pm

<https://law.uoregon.edu/explore/OLSPIF>**FREE 1 HOUR PROBATE CLE**

The February Lane County Probate Committee CLE will be held on **Tuesday, February 12, 2019, from 12:00 p.m. to 1:00 p.m. in Courtroom 302**. This will be a panel discussion on the topic of *Wrongful Death in Probate: Single Action vs. Class Actions - Asbestos, Drugs & Others*.

Paralegal Positions Available

Blackwell Law, P.C., an AV-rated Eugene law firm practicing complex commercial litigation, is seeking an experienced paralegal for full time employment. Qualified candidates must have a minimum 5 years of paralegal experience in civil litigation, have a working knowledge of court rules, be proficient in fact research and drafting documents, have excellent critical thinking and communication skills, and be able to work independently and as part of a team. AAS in Paralegal Studies and/or a professional paralegal certification is preferred but not required. Competitive salary and benefits and an excellent work environment! Qualified applicants should send their cover letters, resumes, and writing samples to: assistant@blackwell.law

Johnson Johnson Lucas & Middleton, PC, seeks a paralegal or legal assistant to assist our busy and expanding civil rights practice representing victims of discrimination and harassment, government abuse, and retaliation. Applicants should be passionate about the work and comfortable with technology and document management systems. Experience helpful but not required.

Please send resume and cover letter to:

Jennifer Middleton, 975 Oak Street, Suite 1050, Eugene, OR 97401 or jmiddleton@justicelawyers.com

Office Space Available

Downtown Eugene, 975 Oak Street. Spacious, view office in upper level of Class A Citizens Building. Ample staff space, copier and conference/library provided. Congenial atmosphere. Some work overflow probable. Would consider shared reception. \$975/mo. Contact Terri at 541-345-3333.

Office Space Available

On the Willamette River in the Northbank Office Complex – 2 office spaces available: Office sharing with congenial group of attorneys and professionals. River view office space available, (approximately 10.5' x 10') and one non-river view office space (Size: 10.9' x 10.6' (approximate). Rent together or separately. Monthly rent and common expenses: included. Common areas include conference room, reception area, lunchroom, restroom, & free parking. Shared receptionist, multi-line telephones, business internet, copier, scan, fax and free parking. Locker & Shower available. Next to McMemanins Northbank Restaurant near the Ferry Street Bridge on Coburg Road. Call 541-485-0777 for more information. Northbank Professional Offices, LLC.

Services Offered

BOOKKEEPING SERVICES

Paralegal with 10 years of experience specializing in small practice bookkeeping and payroll. Contact Marisela Taylor, 541-942-0000, or mari@paintedmountaindesign.com

ARE YOU IN NEED OF AN INVESTIGATOR OR PROCESS SERVER?

Jason Wyatt, PI-ID# 70034
West Coast Investigation, LLC
jason@westcoastinvestigation.com
(541) 221-0595
Competitive rates

INVESTIGATIVE SERVICES

Criminal and civil investigations, background checks, witness interviews, process service, reasonable rates. **Stacy D. Stumbo Private Investigations** (PI-ID No. 63668) Call (541) 514-5179 or email [sdspi@yahoo.com](mailto:sdsp@yaho.com) for details.

ATTENTION FAMILY LAW ATTORNEYS!

Are you having a busy fall/winter and need extra help in getting projects off your desk? If so, then let me help you. I am **April Hatcher**, a highly experienced family law certified paralegal. I am the owner of [Assisting You Paralegal Services](http://www.assistingyouparalegal.com) (AYP), a freelance, virtual paralegal business. AYP provides quality, timely, and affordable family law legal support assistance to family law attorneys on a project-by-project basis. **Whether you need assistance with one project, with one case, or for an hour or two each day or week, I can assist you.**

Please visit my website: www.assistingyouparalegal.com, or call me at (541) 653-9656. *I look forward to assisting you!*

Upcoming Events

- December 7  Public Defender Services
Holiday Open House
1143 Oak Street
5:30 - 8:00
- December 11 Probate CLE
New Estae and Probate Legislation & Case Law
Jane Stewart
Courtroom 302
12:00 p.m. - 1:00 p.m.
- December 12 LCBA Holiday Party 
Eugene Hilton
6:00 - ? :00
- December 25  Holiday - Court closed
- January 1  Holiday - Court closed
- January 17 - 21 Basic Mediation Training 
Dr. Clare Fowler
UO School of Law, Room 142
10:00 a.m - 4:00 p.m. 1/17
8:00 a.m. - 5 p.m. 1/18 - 1/21
- January 21  Martin Luther King, Jr. Day
- Court closed
- February 12  Probate CLE
Wrongful Death in Probate: Single Action vs. Class Actions - Asbestos, Drugs & Others
Panel Discussion
Courtroom 302
12:00 p.m. - 1:00 p.m.
- February 18  Holiday - Court closed
- February 15 24th Annual OLSPF Dinner & Auction
Eugene Hilton
5:30 p.m. - ?

BAR NEWS SUBMISSION DEADLINE

Please help us get the Bar News to you in a timely manner. While all submissions are welcomed, remember, the **deadline is the 20th of each month**. We try to accommodate the inclusion of all submissions, but cannot guarantee that any submissions received after this deadline will be included in the next issue. Submissions that do not make one issue of the newsletter will, of course, be included in the subsequent issue. The preparation of this newsletter is a labor of love, but it does take some time and effort. Your support of this process is greatly appreciated. Thank you.





Mediate.com
everything mediation



MEDIATE.COM SPONSORED

BASIC MEDIATION TRAINING

with Dr. Clare Fowler

WHERE:

University of Oregon School
of Law, Room 142

WHEN:

January 17-21, 2019
17th: 10am-4pm
18th-21st: 8am-5pm

COST:

\$300. UO Student and alumni
discounts available. Includes
course materials and refreshments.

Mediate.com invites you to complete your 40-hour Basic Mediation Training in Eugene, Oregon. This training will give you the basic education necessary to begin mediating disputes.

Participants are encouraged to connect with their local courts and mediation centers to gain experience. Participants will also create their Mediation Practice forms during the training, including Agreement to Mediate, Confidentiality Form, Opening Statement, Note-taking Form, Written Agreement Template, and Evaluation Form. The course will be recorded.

REGISTER AT CLAREFOWLER.COM

Lane County Bar Association
 c/o Erin Fennerty Secretary-Treasurer
 Post Office Box 11379
 Eugene, OR 97440

Freelance Legal
 Secretaries/Assistants:

Kelly Lee (541) 515-2962
 Tamara Banavige (541) 431-0812




Bar News

Next Submission Deadline: **Thursday, Dec. 20, 2018**

Editor: Murray S. Pettit
mpettit@thorp-purdy.com
 Address & Phone: 1011 Harlow Rd. Ste. 300
 Springfield, OR 97477
 (541) 747-3354 (voice)

Assistant Editor: Laura Gibson
lgibson@thorp-purdy.com

For Submission: Email only to Assistant Editor,
 unless special arrangements
 made

Address Changes: Erin Fennerty
 Secretary-Treasurer
 Post Office Box 11379
 Eugene, OR 97440
 (541) 484-9292
efennerty@luvaascobb.com

Issues of the *Bar News* are available at:
<http://lanecountybar.org>



Lane County Bar Association

Officers:

Todd Johnston	President
Sebastian Tapia	President-Elect
Erin Fennerty	Secretary-Treasurer

Directors:

Hon. R. Curtis Conover	Hal Neth
Brad Litchfield	Alexandra Hilsher
Raquel Hecht	Amanda Husted

