

# 2007/2008

# OCDLA Membership Directory



**Oregon Criminal Defense Lawyers Association**  
*Defending liberty since 1979*

# Benefits of Membership

OCDLA works for you and the rights of the accused through continuing legal education, legislative action, formal and informal networking and professional support services.

## Capital Defenders

The Capital Defenders sponsor special death penalty seminars and serve as a forum for the exchange of information. Capital Defender dues help pay for the wiki site at the Oregon Capital Resource Center, support CLE scholarships, maintain an expert witness database and the development of a resource directory. Capital Defender membership is open only to OCDLA members. Call OCDLA for more information.

## CLE Programs—The Latest in Law and Strategy

OCDLA takes a leadership role in providing continuing legal education on criminal defense issues by providing seminars that give practical information about the law, trial practice and forensic science. OCDLA publishes a CLE catalog that lists written and audio materials available for MCLE credit spanning five years. It is updated every six months.

## Criminal Law Newsletter

This cross-indexed newsletter organizes and summarizes the most recent U.S. Supreme Court, Oregon Court of Appeals and Oregon Supreme Court decisions pertaining to criminal law. Subscribers receive 24 issues per year, with a cumulative, alphabetized year-end index of cases organized by subject. The annual subscription is only \$80, and is available in PDF and print formats.

## Expert Witness Database

OCDLA regularly updates its expert witness library. Contains reference information about hundreds of experts. Call or email the OCDLA office for expert witness referrals or to see how you might be listed (nonlawyers only).

## Legislative Representation

OCDLA sponsors legislation, presents the defense perspective, opposes efforts to dilute the Oregon Constitution and Bill of Rights, and publishes a biennial *Legislative Analysis of Criminal and Juvenile Laws*.

## Listserve

An email listserve, known as the Pond, designed exclusively for members. Send an email to: [info@ocdla.org](mailto:info@ocdla.org) to sign up.

## Oregon Defense Attorney

All members receive the *Oregon Defense Attorney* newsletter. The newsletter features valuable legal updates, practical tips and legal news from around the state. Published six times a year

## Public Defense Coordination

OCDLA works closely with the Office of Public Defense Services, indigent defense contractors and appointed counsel to promote a fair system of public defense.

## Publications

OCDLA Manuals:

- *Criminal Law Formbook*
- *DUII Trial Notebook*
- *Felony Sentencing in Oregon: Guidelines, Statutes, Cases*
- *Investigator's Manual*
- *2007 Legislative Analysis*
- *Major Crimes and Defenses*
- *Search and Seizure Manual*
- *Trial Notebook*
- *A Tortured History: The Story of Capital Punishment in Oregon*

Laminated Guides:

- *Blakely Sentencing Challenges*
- Constitution of Oregon—Criminal Justice Sections
- Expunction, Setting Aside & Sealing Arrest/Conv. Records
- Preservation of Error
- Quick Guide to Oregon Evidence
- Sentencing Guidelines Grid

## Website—[www.ocdla.org](http://www.ocdla.org)

Download motions and memoranda from the Legal Document Library, sign up for seminars, download the CLE catalog, order publications, search the current roster of members or find links to other websites having to do with the law and criminal defense.

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## Oregon Criminal Defense Lawyers Association

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[www.ocdla.org](http://www.ocdla.org) • [info@ocdla.org](mailto:info@ocdla.org)

# OCDLA Scholarship Donors

*September 1, 2006, to September 1, 2007*

Scholarship donors contribute toward a general scholarship fund which is used to defray the cost of seminars for those who would otherwise be unable to attend. OCDLA thanks the following donors:

<i>Arneson Group, Roseburg</i>	<i>Law Office of Marc P. Friedman, PC, Eugene</i>
<i>Andrew Bates, Portland</i>	<i>Law Office of Steven Sherlag, Portland</i>
<i>Katherine O. Berger, Portland</i>	<i>Mallon &amp; Lamborn, P.C., Burns</i>
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<i>Jenifer Feinberg, Medford</i>	<i>Marc Sussman, Portland</i>
<i>Richard E. Forcum, Bend</i>	<i>Ingrid Swenson, Salem</i>
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<i>Laura Graser, Portland</i>	<i>Wright Van Handel &amp; Flaherty LLP, Bend</i>
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<i>James D. Lang, Portland</i>	

# Life Members

*Life Members receive an elegantly framed certificate, special recognition, and the knowledge that they have contributed to the stability of the Association. Dues for Life Membership are \$5000. OCDLA greatly appreciates the support of:*

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## **Paul S. Petterson**

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## **Susan Elizabeth Reese**

*Michael E. Rose*

## **Geoffrey Squier**

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## **Bob Thuemmel**

*William K. Uhle*

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## **Richard L. Wolf**

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Monty VanderMay*

## **Vale**

*David R. Carlson*

## **Vancouver**

*Edward Dunkerly*

# Sustaining Members

*Sustaining Members receive a special certificate and are recognized in the Oregon Defense Attorney. Sustaining Members contribute a \$300 membership fee yearly. OCDLA greatly appreciates the support of:*

## **Baker City**

*Kenneth C. Hadley*

## **Bend**

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Duane J. McCabe  
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## **Burns**

*John B. Lamborn*

## **Coos Bay**

*Jesse Coggins*

## **Corvallis**

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Robert W. Reid*

# OCDLA Board Districts

## District 1 Counties

Baker • Crook  
Deschutes • Gilliam  
Grant • Harney  
Hood River • Jefferson  
Klamath • Lake  
Malheur • Morrow  
Sherman • Umatilla  
Union • Wallowa  
Wasco • Wheeler

## District 2 Counties

Lane

## District 3 Counties

Coos • Curry  
Douglas • Jackson  
Josephine

## District 5 Counties

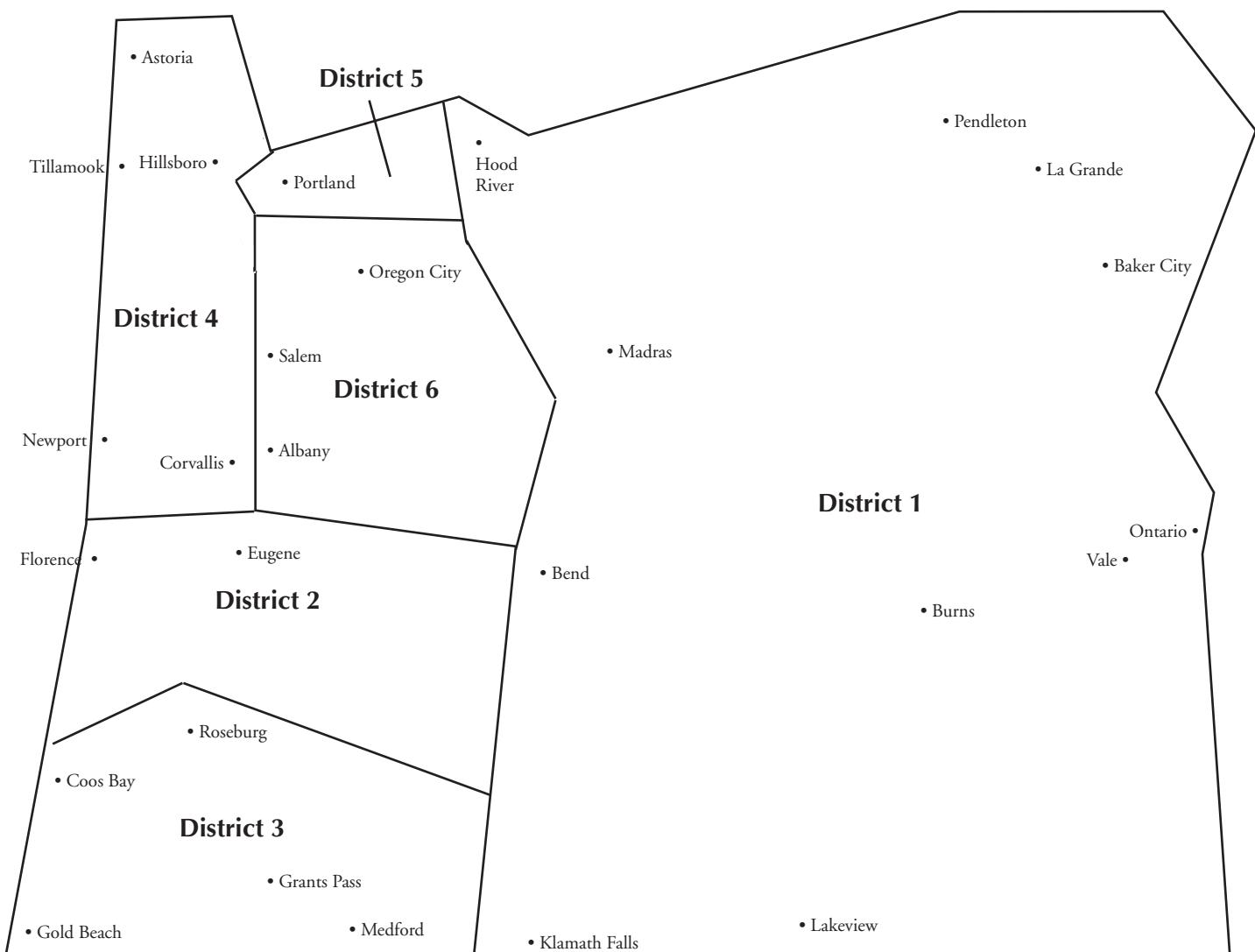
Multnomah

## District 6 Counties

Clackamas • Linn  
Marion

## District 4 Counties

Benton • Clatsop  
Columbia • Lincoln  
Polk • Tillamook  
Washington • Yamhill



# OCDLA 2007/2008 Board of Directors

## President



**Gordon Mallon**  
**District 1**  
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(term ends 2008)

## Vice President



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(term ends 2009)

## Secretary



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(term ends 2009)

## Terms Ending June, 2008



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## Terms Ending June, 2009



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## Past Presidents

Robert J. Larson • John Henry Hingson, III • Gregory E. Veralrud • Ross M. Shepard • Richard A. Cremer • Shaun McCrea  
James A. Arneson • Edward Jones • Jack L. Morris • David G. Terry • James G. Rice • Michael E. Rose • Bob Thuemmel  
David M. Audet • Paul Levy • Phil Studenberg • Lisa Greif • Daniel A. Cross • John Connors

# OCDLA Staff



The OCDLA staff from left to right: Alene Sybrant, Tracye May, John Potter, and Jennifer Root.

## Contact Us:

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**Tracye May**, ADMINISTRATIVE ASSISTANT • [tmay@ocdla.org](mailto:tmay@ocdla.org)

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*96 East Broadway, Suite 5, Eugene, OR 97401 • (541) 686-8716 • [www.ocdla.org](http://www.ocdla.org)*

# **Association By-Laws**

## **I. Name and Purpose**

The name of this organization is the Oregon Criminal Defense Lawyers Association. The purpose of the Oregon Criminal Defense Lawyers Association will be to provide and to promote scholarship in the area of legal representation in criminal, juvenile, and mental commitment proceedings. Furthermore, the organization will promote public awareness as to the function and duties of the criminal defense practice in general, within the limitations imposed by law on non-profit organizations.

## **II. Membership**

A. REGULAR MEMBERSHIP. Regular membership in the Association shall be open to 1) all attorneys in good standing with the Bar who are engaged in defense of criminal, juvenile or mental commitment cases and 2) faculty members of law schools.

B. SUSTAINING MEMBERSHIP. The title of Sustaining Member shall be conferred by the Board of Directors on a Regular Member who, in lieu of the payment of the established regular membership dues, pays the Association a sum to be set by the Board of Directors.

C. LIFE MEMBERSHIP. The title of Life Member shall be conferred by the Board of Directors on a Member who, in lieu of the payment of the established membership dues, pays a one-time payment to be set by the Board of Directors. That person shall not be required to pay annual membership dues. A Life Member who fails to meet the requirements for membership at any time shall be suspended from membership during the time of such ineligibility.

D. PROFESSIONAL NON-LAWYER MEMBERSHIP. Professional Non-lawyer membership shall be open to individuals who provide substantial contributions and services to the defense of criminal cases. Included in this membership category shall be investigators and legal assistants.

E. LAW STUDENT MEMBERSHIP. Law student membership shall be open to students enrolled in accredited law schools.

F. VOTING. Each Regular, Sustaining and attorney Life Member shall be entitled to one (1) vote at the Association's proceedings. Professional Non-lawyer Members and Student Members are not entitled to vote.

## **III. Board of Directors**

A. ELIGIBILITY. Professional Non-lawyer or Student Members shall not be eligible to become elected members of the Board. Eligibility for election to the Board shall be extended to all other classes of membership.

B. NUMBER OF DIRECTORS. The Board shall consist of fourteen (14) Directors. Private attorney representation shall be by seven members, one elected from each of the six regions established by ORS 9.025(2), and one to be elected at large. "Private attorneys" are those members who are not employed by those organizations designated in 1 through 7 of section B. Private attorney Directors must maintain their principal business office in the district from which they are elected.

Public defender representation shall consist of one representative each from the following offices: 1) the Metropolitan Public Defender, 2) Public Defender Services of Lane County, Inc., 3) the State Public Defender, 4) the Federal Public Defender, 5) Multnomah Defenders, Inc., 6) Southwest Oregon Public Defender Services, Inc./Umpqua Valley Defender Services, Inc. to share a representative, and 7) Southern Oregon Public Defender, Inc.

C. TERM OF OFFICE. The members of the Board of Directors shall be elected at the Annual Meeting of the Association and hold office for a period of two years commencing with their election at said Annual Meeting.

D. ELECTION. Private attorney Directors shall be elected by a majority vote of eligible and voting, dues-paid members at the Annual Meeting. Public Defender Directors shall be elected or appointed by their constituents in any manner determined by Public Defender Offices.

In odd-numbered years, Directors from Region 3, 5, 6 will be elected and Directors from the State Public Defender, Public Defender Services of Lane County, Inc., the Metropolitan Public Defender and Southern Oregon Public Defender, Inc. will be chosen. In even-numbered years, Directors from Region 1, 2, 4 and one At-Large will be elected and Directors from the Multnomah Defenders, Southwest Oregon Public Defender Services, Inc./Umpqua Valley Defense Services, Inc., and the Federal Defender will be chosen.

E. LIMITATION OF SERVICE. In no event shall a Director hold that office for more than two (2) consecutive, complete two (2)-year terms.

F. ABSENCE. A Director shall not accept office unless that Director intends to attend all meetings. A Director with more than two unexcused absences per year may be removed by a majority vote of the Board of Directors.

G. VACANCY. The unexpired term of a Board member shall be filled by majority vote of the Board of Directors.

H. QUORUM. A quorum for a Board of Directors meeting shall be seven (7) members.

I. BOARD OFFICERS. At the Annual Meeting and whenever necessary, the Board of Directors shall choose one (1) of its Directors as the President of the Board of Directors, one (1) of its Directors as Vice President, and one (1) of its Directors as Secretary to serve until the next Annual Meeting. The President shall have no greater powers than any other Director except to serve as spokesperson for the Board of Directors and to have ministerial authority subject to Board review. The President of the Association shall serve as Chairperson of meetings of the Board of Directors.

The Vice President shall assist the President in the performance of the President's duties and shall also perform such other duties as may be prescribed by the Board of Directors. In the case of the absence of the President, the Vice President shall act as President. In the case of the death of the President or in the event of resignation or removal from office, the powers and duties of the President shall devolve upon the Vice President who shall conclude the term of office of the President in accordance with the provisions of these by-laws.

The Secretary shall attend and keep minutes of all meetings of the Association and shall have such other powers and perform such other duties as are incidental to the office of Secretary or as may be assigned from time to time by the Board of Directors or by the President.

J. POWERS AND DUTIES. The Board of Directors may appoint such officers, agents, and committees including an executive officer as it may deem necessary. All such appointments shall serve at the pleasure of the Board. The Board shall set and annually review any and all compensation, if any, of such appointments. The Board shall organize all meetings of the membership. The Board as a body shall meet on a regular basis but not less than five (5) times in any one year. Furthermore, the Board of Directors shall have broad powers to carry out the purposes of the Oregon Criminal Defense Lawyers Association and to implement these by-laws.

#### **IV. Meetings**

A. TIME AND PLACE. The Association shall hold an Annual Meeting of all its members at a time and place as may be fixed by the Board of Directors and may hold such other meetings of all members when necessary.

B. QUORUM. Except for amendments to by-laws, those members who are eligible to vote and are present at any meeting of the Association shall constitute a quorum for the transaction of business at said meeting.

#### **V. Membership Assessments**

Individual membership assessments shall be set by the Board of Directors.

#### **VI. Dissolution of Assets**

In the event this Association shall dissolve, its assets shall be liquidated and distributed to charitable organizations.

#### **VII. Amendments**

Any amendment to the by-laws shall be made by a simple majority vote of all eligible and voting dues-paid Life, Sustaining and Regular Members. Only eligible, paid Life, Sustaining and Regular Members may vote for an amendment, and each member shall have only one vote. Each eligible member shall receive prior notice in writing of each proposed amendment and shall be given the opportunity to vote.

Original by-laws enacted July, 1978. By-laws amended September 22, 1978, October 27, 1979, March 21, 1980, October 16, 1980, September 18, 1981, March 16, 1984, March 28, 1986, May 8, 1987, May 13, 1988, May 1, 1989, April 9, 1996, March 5, 1997, and July 3, 2001.

Gordon Mallon, President

John R. Potter, Executive Director

# OCDLA Committees

## Amicus Curiae

**Chair:** Rankin Johnson  
(503) 274-4394

**Board Liaison:** Ryan O'Connor  
(503) 378-2341

**Trial Lawyer Seat:** Spencer J. Hahn,  
(503) 226-3083

Rebecca R. Davis, (541) 687-9219  
Laura Graser, (503) 287-7036  
Rosalind Manson Lee, (541) 485-1182

## Capital Defenders

**Co-Chairs:**

Dennis Balske, (503) 222-9830

Richard Wolf, (503) 384-0910

**Board Liaison:** Russell Barnett  
(503) 241-4708

Clyde Gideon, (503) 643-1844

Laura Graser, (503) 287-7036

Ken Hadley, (541) 523-4442

Greg Hazarabedian  
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Gordon Mallon, (541) 573-2066

Ralph Monson, (541) 336-5040

## Education

**Chair:** Ryan Scott  
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Sara Collins, (541) 484-2611, ext. 110

John Connors, (503) 225-9100

David O. Ferry, (503) 378-2229

Laura A. Fine, (541) 341-4542

Lisa Greif, (541) 779-5636

DeAnna M. Horne, (503) 225-9100

Christopher W. Howard, (503) 225-9100

Celia A. Howes, (503) 228-0497

Michael R. Levine, (503) 546-3927

Paul E. Levy, (503) 225-9100

Shaun S. McCrea, (541) 485-1182

David T. McDonald, (503) 226-0188

Ronald J. Miller, (360) 694-5212

Richard Oberdorfer, (503) 223-2313

Susan Elizabeth Reese, (503) 323-9111

Steven J. Sherlag, (503) 227-5200

Laurie Shertz, (503) 471-1332

Martha Spinhirne, (503) 225-9100

Ingrid Swenson, (503) 378-3349

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## Forfeiture

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## VOLUNTEER

*OCDLA committees are always in need of interested members to get involved. If you would like to serve on a committee, contact Executive Director John Potter, President Gordon Mallon at (541) 573-2066, or the chair of the committee(s) you are interested in.*

# **Work Groups and Task Forces with OCDLA Representation**

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**Attorney General's Task Force on Implementation of Victims' Rights**  
John Connors, OCDLA Representative

**Bench Probation Subcommittee, Oregon Interstate Compact Office**  
John Connors, OCDLA Representative

**Chief Justice's Criminal Justice Advisory Committee**  
John Connors, Lindsay Partridge – OCDLA Representatives

**Governor's Re-entry Council**  
Ross Shepard, OCDLA Representative

**Governor's Sentencing Task Force**  
**Imposition of Sentencing Subcommittee**  
John Connors, OCDLA Representative

**OSH Replacement Project Stakeholders Committee**  
Alexander Bassos, OCDLA Representative

**OPDS Public Defense Diversity Task Force**  
Angel Lopez (Chair)  
John Connors, OCDLA Representative

**Oregon Coalition to Abolish the Death Penalty**  
Jenny Cooke, OCDLA Representative

**OSB Loan Repayment Assistance Program Committee**  
John Connors, OCDLA Representative

**Oregonians for Alternatives to the Death Penalty**  
John Connors, OCDLA Representative

**Public Defense Services Commission**  
Greg Hazarabedian, OCDLA Board Liaison

**Restitution Work Group**  
Steve Krasik, OCDLA Representative

# Amicus Curiae Committee Guidelines

(adopted 9/16/95)

The following procedure and guidelines have been established for OCDLA Amicus Curiae Committee requests and assistance:

## I. Procedure

- A. A written request for *amicus curiae* assistance should be made by letter or fax to the committee chair. The request should include (1) a concise statement of the case, including its procedural background, the legal issues involved, the reasons why the case has broad importance, and the reasons for OCDLA intervention; and (2) supporting documentation—such as appellate briefs, court opinions, and the petition for review—to enable the committee to fully analyze the request. See generally ORAP 9.07. Requesting counsel may wish to initially phone any committee member to discuss the case and the appropriate contents to be included in the request.
- B. The request will be photocopied and mailed to committee members for their prompt review. If the committee decides that *amicus* intervention is appropriate, the chair will consult with the OCDLA President to determine whether the case raises a controversial issue requiring a full review and decision by the Board of Directors.
- C. After a final decision is reached, the requesting counsel will be notified of the decision.
- D. The requesting attorney and the committee shall work together to locate an OCDLA member with substantial appellate experience who is willing to serve as the *amicus* author. The *amicus* attorney shall consult with the committee chair before completing the *amicus* brief. The *amicus* attorney shall file copies of the *amicus* application, *amicus* brief, and the court's decision with the OCDLA office.

## II. Guidelines

- A. The committee will consider the following factors in deciding whether to enter as *amicus curiae* in a proceeding:
  1. The importance of the case to OCDLA goals.
  2. Whether the case will advance OCDLA's special values including:
    - a. A strong and independent defense bar.
    - b. The right of effective assistance of counsel for accused persons.
    - c. The defense of accused persons subjected to public prejudice.
  3. The extent of OCDLA membership support for the positions to be advocated.
  4. The complexity of the case.
  5. Whether the claimed error is preserved.
  6. The anticipated quality of direct advocacy by the requesting attorney.
  7. Whether the case will have precedential value.
  8. Other relevant factors set forth in ORAP 9.07.
- B. Absent unusual circumstances, OCDLA will defer appearing as *amicus curiae* until a case reaches the Oregon Supreme Court or the United States Court of Appeals for the Ninth Circuit.

For more information, contact  
Rankin Johnson, IV, Chair, OCDLA Amicus Committee  
The Pennoyer Building  
714 SW 20th Place  
Portland, Oregon, 97205  
(503) 274-4394, rankinjohnsonlaw@comcast.net

Member listings are regularly updated online.

Go to  
[www.ocdla.org](http://www.ocdla.org)  
for the latest contact information.

# **Professional Polygraph Services**

## **Derry L. York Licensed Polygraph Examiner**

Located in Downtown Portland  
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Portland, Oregon 97205  
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503.241.3602 fax  
503.422.5699 cell  
[dlyork@qwest.net](mailto:dlyork@qwest.net)

### ***Education***

Western Oregon University  
School of Polygraphy

Portland State University  
Bachelor of Science, Administration of Justice

### ***Experience***

Six years conducting polygraph examinations for city, county, state and federal agencies,  
including criminal and civil defense cases.

Twenty-Three Years Investigation Experience  
Former Law Enforcement  
Former United States Military

### ***Affiliations***

American Polygraph Association  
Certified in Post-Conviction Sex Offender Treatment and Monitoring  
American Association of Police Polygraphers  
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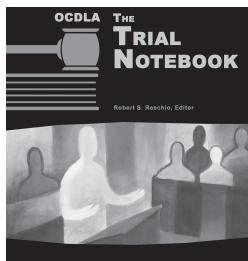
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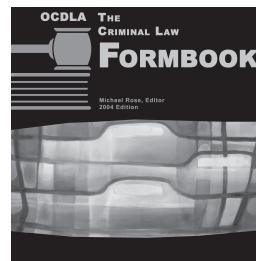
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The following listing represents members who have identified subjects they are particularly knowledgeable about and who are willing to share that knowledge with other OCDLA members. The names are alphabetically listed. Some attorneys have chosen to list their legal assistants as well. The names of these legal assistants are in *italics* following the attorney's name and phone number and may be contacted at the same number unless stated otherwise.

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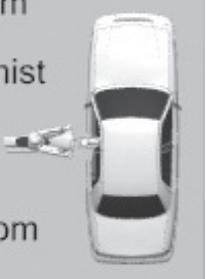
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\*Clark Willes – Attorney

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Rodney J. Beck – Attorney  
James Bernstein – Attorney  
Ronald Gray – Attorney  
\*Brad Jonasson – Attorney  
Arthur Knauss – Attorney

### *Rotating Positions:*

Linda Beloof – Attorney  
Jack Bernstein – Attorney  
Rhett Bernstein – Attorney  
Heather Karabeika – Attorney

## Crabtree & Rahmsdorff

Don Bauhofer – Business Owner  
Julie Ann Miller – Bank Vice President  
Daniel Re – Attorney  
Don Thompson – Business Owner

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Richard L. Garbutt – Attorney  
Myron Gitnes – Attorney  
\*Phil Studenberg – Attorney

## Independent Defenders, Inc.

Barbara Gay Canaday – Attorney  
Michael Clancy – Attorney  
\*Martin Cohen – Attorney

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Harry Bose – Accountant  
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Richard Courson – Retired Judge  
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Janise Augur – Attorney  
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Shaun McCrea – Attorney  
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# Oregon Public Defense Contracts

Contracts effective as of August 1, 2007. All contracts negotiated through December 31, 2007. Contracts are subject to change. Every effort has been made to update and list information accurately. Contract contacts are listed first, starred (\*) and in bold. Unless otherwise noted, phone numbers of contract attorneys are the same as the contract address phone number. Names of other attorneys with that contract follow.

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Erin E. Kirkwood, 503/224-7977•  
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Jon P. Martz, 503/225-1862•  
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email: imfl@comcast.net

### Investigation

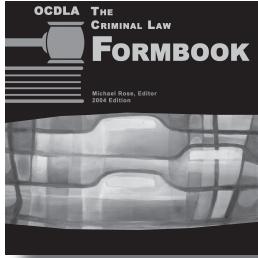
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### 911 Tapes

**Portland Police Bureau of Emergency Communication**  
**\*Gary Bevans**  
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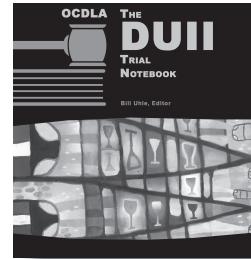
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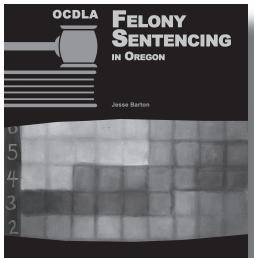
## The Criminal Law Formbook

*Edited by Michael Rose (2004)*



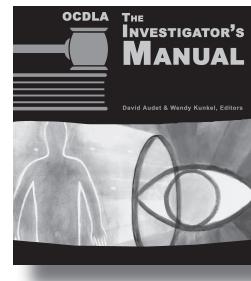
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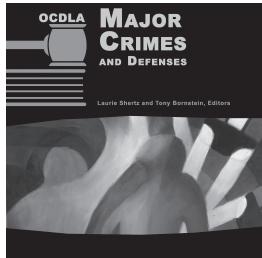
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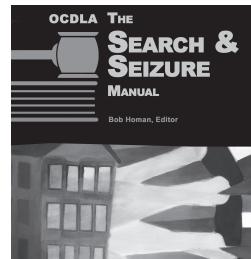
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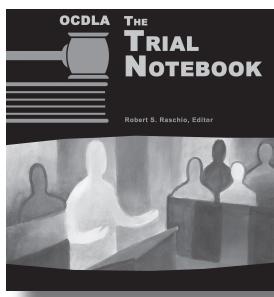
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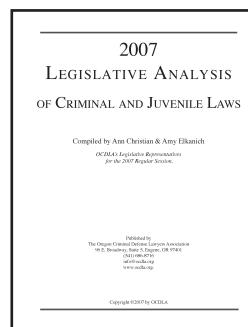
## Search and Seizure Manual

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## 2007 Legislative Analysis

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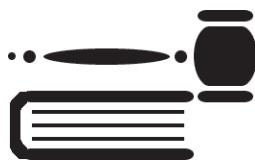
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- Oct. 5–6     **Essentials of Juvenile Court Dependency Practice**  
Valley River Inn, Eugene
- Oct. 11–12    **Public Defense Management**  
Hood River Inn, Hood River
- Oct. 12–13    **Death Penalty Defense**  
Hood River Inn, Hood River
- Nov. 8–12    **Sunny Climate Seminar**  
Puerto Vallarta, Mexico
- Nov. 30 –  
Dec. 1        **Winter Conference**  
The Benson Hotel, Portland

## **2008**

- Jan. 26        **New Lawyers Seminar**  
World Trade Center, Portland
- March 2 – 8    **Spanish Langauge and Law Program**  
La Paz, Mexico
- March 14–15    **Suppression, Evidence and Sentencing**  
Valley River Inn, Eugene
- April 18–19    **Juvenile Law Seminar**  
Agate Beach Inn, Newport
- May 2–3        **Investigation & Trial Preparation Seminar**  
Hallmark Resort, Newport
- June 12–14    **Annual Conference**  
Seventh Mountain Resort
- Sep. 12–13    **Summer Seminar**  
Location TBA
- Oct. 16–17    **Public Defense Management**  
Resort at the Mountain, Mt. Hood
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