

TO: MAYOR AND CITY COUNCIL
THROUGH: LINDA NORRIS, CITY MANAGER *Jan O. J. For*
FROM: JANE AIKEN, MUNICIPAL COURT JUDGE *Jane Aiken*
SUBJECT: REAPPOINTMENT OF MUNICIPAL JUDGE PRO TEMPORE

ISSUE:

Shall the City Council reappoint Lynda Olson and Noel Grefenson for two-year terms as Pro Tempore Judges for the Salem Municipal Court?

RECOMMENDATION:

That the City Council reappoint Lynda Olson and Noel Grefenson for two-year terms as Pro Tempore Judges for the Salem Municipal Court.

BACKGROUND:

Salem Revised Code (SRC) Section 4.020(b) provides for the City Council's appointment of pro tempore judges for the Salem Municipal Court. A municipal judge pro tempore shall serve a term not to exceed two years. The length of term shall be recommended by the municipal court judge and set by the City Council at the time of appointment.

SRC 4.015(b) states that no person shall be eligible for appointment as municipal judge pro tempore unless the person is at least 21 years of age, a citizen of the United States and an active member in good standing of the Oregon State Bar.

FACTS AND FINDINGS

The pro tempore terms for Lynda Olson and Noel Grefenson have recently expired. Ms. Olson has served as judge pro tempore in the Salem Municipal Court since 1982. Mr. Grefenson has served as judge pro tempore since 1996. Both are active members of the Oregon State Bar. The Municipal Court Judge recommends reappointment for full two-year terms.

If reappointed, their terms will run until November 23, 2011.

Attachments:

Resume Lynda Olson
Noel Grefenson

Lynda D. Olson
4925 Nadine Dr. SE
Salem, OR 97302
(503) 581-7801

Occupation:

Attorney; Arbitrator; Judge pro-tem, Salem Municipal Court

Occupational Background:

Attorney since 1979; Previously affiliated with Allen, Stortz, Fox, Susee & Olson through 12/99; Fox & Olson from 1/01/00 through 12/31/05; sole practitioner since January, 2006- Law Offices of Lynda D. Olson, Suite 1100, Capitol Center Bldg, 388 State St., Salem, Oregon. Current emphasis of practice: Family law, Probate, Estate Planning.

Arbitrator since 1997, Marion County Circuit Court. Appointed as arbitrator to handle Court - annexed arbitrations, primarily business disputes and family law matters.

Judge pro-tem, Salem Municipal Court since 1982; Frequent pro-tem , usually once per week. Served for judges Wayne Thompson, Frank Gruber and currently for Judge Aiken.

Educational Background:

Willamette University College of Law; JD 1979.

Linfield College; B,A. 1975

NOEL GREFENSON P.C.

Attorney at Law

1415 Liberty St. S.E.
Salem, Oregon 97302

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Phone: 503-371-1700
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November 6, 2009

To the Salem City Council:

Please accept the following personal and professional information regarding my qualifications to sit as a pro tem judge for the Salem Municipal Court. I apologize in advance if this letter contains more information than you require.

General Background:

I was born in Innsbruck Austria to an Austrian mother and an American father who was studying medicine in that country. My family moved to the United States when I was very young and eventually settled in Twin Falls, Idaho where my father had an ear nose and throat surgery practice. I basically grew up in Twin Falls and graduated from high school in that city. During my youth I had a variety of jobs on farms, ranches and restaurants. I also worked as a white water river guide for approximately 7 years through college and the beginning of law school. After I graduated from high school, I attended college at Boise State University and graduated with a degree in Political Science. I then came to Oregon and attended Willamette University College of Law, as that school had a very good reputation in Idaho.

Legal Background:

I graduated from law school in 1988 and was admitted to the Oregon State Bar in September of that year. As a young lawyer I became involved in the ABA's Young Lawyer's Association and the assisted in the formation of the Oregon State Bar's Young Lawyer's Association. I became that Division's first president.

My law practice has always emphasized criminal defense and related proceedings although I have also handled many civil cases as well. I have extensive trial experience in criminal law including trial on at least five aggravated murder cases. Three of those cases were capital proceedings and went through a penalty phase. I handle capital post-conviction proceedings and obtained the first reversal of an inmate's death sentence in Oregon at the post-conviction trial level since the death penalty was reinstated. *Smith v. Palmateer*, Marion County Circuit Case No. 94C12866. Early this year I was successful in securing post-conviction relief for a second death row inmate on grounds of mental retardation. *McNeely v. Czerniak*, Marion County Circuit Case No. 01C12275.

At the trial level in federal court, I handle a variety of criminal cases, including various drug, fraud and theft related conspiracies. I also represent clients on USC Title 28 § 2255 cases (habeas challenges to federal convictions) and USC Title 28 § 2254 cases (habeas challenges to state convictions). I have appeared as defense counsel in multiple federal trials. My last federal jury trial occurred on October 27, 2009.

I have appeared before all of the sitting judges of the Marion County Circuit Court and all of the federal judges of the United States District Court for the District of Oregon in Portland and Eugene. I welcome inquiry regarding my professionalism and competency of any of these judges.

Other Experience:

I have been a pro tem judge with the City of Salem for over 13 years. In that capacity I have resolved more cases than I am able to count and have presided over a very large number of jury trials.

I am a member of the Marion County Association of Defenders (MCAD) and participated in that organizations' Quality Assurance Committee for a number of years until it was eventually replaced. That committee resolved formal complaints against members of MCAD. While on this committee I was largely responsible for drafting formal opinions and also participated in the investigation and resolution of numerous complaints.

I am a current member of the Marion County Bar Association's Judicial Screening Committee representing the criminal defense bar in this county. This committee screens applicants for circuit court judicial positions (pro tem and sitting judges) in this county. I have been a member and actively participated on this committee for several years

I am the acting City Attorney for the City of Scotts Mills, Oregon and have been City Attorney since 1998.

Please feel free to contact any person or reference set forth in this letter. If you need additional information, please feel free to call or write me at the above address.

Most sincerely,

/s/ Noel Grefenson

Noel Grefenson

NG:lfk