



FOR COUNCIL MEETING: August 27, 2007
AGENDA ITEM NO.: _____ 4.3 (a)

TO: CITY OF SALEM MAYOR AND CITY COUNCIL
THRU:  ROBERT G. WELLS, CITY MANAGER
FROM: JANE AIKEN, MUNICIPAL JUDGE 
DATE: 13 AUGUST 2007
SUBJECT: REAPPOINTMENT OF MUNICIPAL JUDGE PRO TEMPORE

ISSUE:

To reappoint Noel Grefenson as Pro Tempore Judge for the Salem Municipal Court.

RECOMMENDATION:

I respectfully request that Municipal Judge Pro Tempore, Noel Grefenson, be reappointed by council to serve another term in this position.

BACKGROUND:

Pro Tempore Judges must be reappointed every two years. Noel Grefenson is due for reappointment. He continues to serve admirably and is fully qualified to continue in this position.

Pro Tempore Judges serve as alternate; on-call Judges when the elected Judge is out of the office or at such times as the case loads necessitate the setting of two trials or hearings on the same date and time.

NOEL GREFENSON P.C.

Attorney at Law

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BACKGROUND INFORMATION FOR NOEL GREFENSON

August 13, 2007

To Whom it May Concern:

Please accept the following personal and professional information regarding my qualifications to sit as a pro tem judge for the Salem Municipal Court.

I graduated from Willamette University College of Law in May of 1988 and was admitted to the Oregon State Bar in September of that same year. Shortly after becoming an attorney, I assisted in the formation of the Oregon State Bar's Young Lawyer's Association and became that Division's first president.

My practice emphasizes criminal defense and related proceedings. I have tried 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 believe I obtained the first reversal of an inmate's death sentence in Oregon at the post-conviction trial level. (*Smith v. Palmateer*, Marion County Circuit Case No. 94C12866).

At the trial level in federal court, I handle a variety of criminal cases, including various drug, fraud and theft related conspiracies. At the federal level I handle both § 2255 cases (habeas challenges to federal convictions) and § 2254 cases (habeas challenges to state convictions). I no longer handle state criminal appeals. I handle federal criminal and habeas appeals on a regular basis. I have appeared before the following state and federal judges who can attest to my competency on the listed cases.

Marion County Circuit Court:

Honorable James Rhoades –

Aggravated murder/death penalty trial judge on *State v. Johnson*, Marion County Circuit Court No. 98C46239.

Capital post-conviction trial judge on *McNeely v. Palmateer*, Marion County Circuit Court Case No. 01C12275

I have been a pro tem judge with the City of Salem for over ten (10) years and in that capacity have resolved more cases than I am able to count. I have sat as a pro tem judge on 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 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,

Noel Grefenson

NG:lfk