



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION
1906

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community. December 2004 Volume 50, Number 11



Balancing Family and Career

By Sylvia Stevens, MBA President.

There was a time in the not-so-distant past when the idea of balancing family and career was trivialized as a “women’s issue” not worthy of consideration by lawyers who were serious about their careers and their commitment to the profession. Despite the increasing numbers of women in the profession and incremental increases of women in leadership positions in law firms and organizations, balancing family and career remains an unsolved problem. Devotion to solving the problem is unabated, however, and is gaining new momentum from the new generations of lawyers (Generation X and Generation Y) entering the profession.

The recently released “Generation and Gender in the Workplace” study (commissioned by a consortium of major corporations and conducted by the Families and Work Institute) found that younger workers, both male and female, are more likely to be “family-centric” (giving equal priority to career and family) than members of the baby boomer generation, who are more “work-centric” (placing a higher priority on work than on family). Because of their “family-centric” attitude, younger workers tend to favor family time over the rewards that traditionally mark and accompany success in the workplace: greater responsibility and higher compensation. In other words, as the new generation of workers becomes more conscious of the personal sacrifices they will need to make to advance their careers, they are opting to remain at the same level rather than move up the career ladder.

The results of that study echo to a large extent the findings of the Boston Bar Association Task Force of Professional Challenges and Family Needs. That group recently released a report entitled “Facing the Grail: Confronting the Cost of Work-Family Imbalance” based on a year of data collection and analysis of the interface between law firm environments and family needs. The Task Force found that traditional measures of professional success,

such as ever-increasing compensation and status, conflict with individual lawyers’ need for meaningful participation in daily family life and non-income producing pursuits.

The Boston Task Force made several interesting (but not surprising) findings:

- Men and women express a desire for rewarding legal careers and for meaningful participation in the lives of their families and make career and employment choices

Cont. on p. 5



WinterSmash 2005

By Gregory C. MacCrone, Attorney at Law, YLS Secretary, and MBA Fun Committee.

You don’t need to know what “turkey,” “Dutch 200,” or “10 in the Pit” mean to have a good time bowling, but it could certainly impress your friends!

We’re doing it again! Wipe off your bowling ball and pull out your best bowling shirt, it’s time again for the Third Annual WinterSmash. On Saturday, February 26 from 6-9 p.m., the MBA will kick-off its fundraising efforts for Multnomah CourtCare at family-friendly Valley Lanes in Beaverton.

We have reserved all the lanes for MBA members and their friends, colleagues and families for an evening of casual fun and food. Bumper lanes will be set up for children over three years old or those who merely bowl like them.

Tickets are \$35 for adults and \$10 for kids 3-12 years old. Price includes food, drink, shoes, balls, lane time and the satisfaction of knowing you’re supporting CourtCare, Multnomah County’s volunteer childcare service for litigants with children. Enjoy the company of your colleagues, load up on some good grub, roll a couple of strikes or gutter balls and support a good cause.

Mark your calendar, and look for more details in upcoming issues of the *Multnomah Lawyer*.

MBA CLE

To register for a CLE, please see the inserts in this issue or go to www.mbabar.org.

December

Thursday, December 9
Drafting Pre- and Post- Nuptial Agreements that Stick
Josh Kadish
Michael Yates

Friday, December 10
The Management of Nonprofits and the Further Adventures of HIPAA
Kelly Hagan
Walter Grebe

January

Tuesday, January 4
YLS Young Litigators’ Forum begins

Thursday, January 27
Annual Family Law Update
Hon. Elizabeth Welch
Bill Schulte
Gary Zimmer

February

Tuesday, February 1
Human Resource Issues for the Small Firm
Christine Meadows
Jim Kreiss

Thursday, February 3
How to Prepare a Winning Appeal
Hon. Rick Haselton
Lindsey Hughes
Tom Sondag

In This Issue

New on the Shelf.....	p. 3
Announcements.....	p. 4
Ethics Focus.....	p. 4
Around the Bar.....	p. 7
Tips From the Bench.....	p. 8
News from the Courthouse.....	p. 8
Profile - Judge Dailey.....	p. 9
YLS.....	p. 10
Classifieds.....	p. 14
Professionalism Award.....	p. 16

MULTNOMAH BAR ASSOCIATION
620 SW FIFTH AVE., SUITE 1220
PORTLAND, OREGON 97204

PRSRT STD
U.S. POSTAGE
PAID
PORTLAND, OR
PERMIT NO. 00082

MULTNOMAH BAR ASSOCIATION
620 SW 5TH AVE SUITE 1220
PORTLAND, OREGON 97204
503.222.3275
FAX 503.243.1881
WWW.MBABAR.ORG

BOARD OF DIRECTORS

MBA Board of Directors

President
Sylvia E. Stevens

President-Elect
Kelly T. Hagan

Secretary
Agnes Sowle

Treasurer
Peter H. Glade

Past President
Robert J. Neuberger

Directors

W. Todd Cleek
YLS President

Lori E. Deveny
ABA Delegate

Jeffrey S. Matthews

Kathryn L. Villa-Smith

Simeon D. Rapoport

Helen T. Smith

Diana I. Stuart

Michael H. Bloom

Thomas W. Brown

Nancie K. Potter

Executive Director
Judy A.C. Edwards

Director, Member Services
Guy Walden

Director, Events and Programs
Kathy Maloney

Administrator, Member Services and Events
Noëlle Saint-Cyr

Administrator, Accounting and Office
Renee "Max" Maxwell

Executive Assistant
Carol Hawkins

THE MULTNOMAH LAWYER is published 11 times per year by the Multnomah Bar Association, 620 SW Fifth Ave. Ste. 1220, Portland, OR 97204 503.222.3275

An annual subscription is included in member dues or may be purchased for \$20. Letters, award and news items, and announcements are welcome. Articles by members are accepted. All submissions may be edited for length, clarity and style, are published on a space available basis, and at the editor's discretion. Views expressed in articles represent the authors' opinion, not necessarily the MBA's. The publication does not purport to offer legal advice.

Advertising is accepted; advertisers(ments) are not necessarily endorsed by the MBA. The editor reserves the right to reject any advertisement.

DEADLINE for copy: The 10th of the month*

DEADLINE for ads: The 12th of the month*

*or the preceding Friday, if on a weekend.

NEWSLETTER STAFF CONTACTS

Display Advertisement:
Renee "Max" Maxwell

Copy and Classified Advertisement:
Carol Hawkins

Design: Cyrano Marketing Solutions

www.mbar.org

Seeding the clouds for client development - helping lawyers make it rain everyday.

MARY ROSE FRANKLIN

503 534-1200 • email Mary@MaryFranklin.net

**JOHN H. HOLMES
MEDIATOR & ARBITRATOR**

Experienced • Impartial • Effective



One Southwest Columbia
Suite 1600
Portland, Oregon 97258

(503) 226-6400

fax (503) 227-8629
mediatejh@msn.com

Member USA&M of Oregon Panel

A full time neutral with practice limited to mediations and arbitrations

BARKER

ARBITRATION & MEDIATION

— John Barker —

Mediation that works
Arbitration by the rules

1000 SW Broadway, Suite 1700, Portland, OR 97205
503-227-6300/fax 503-220-4224
Email JB@barkerlaw.us

Now you can schedule online at www.barkerlaw.us

Asher Portfolio Advisors, Inc.

Over 20 years of experience working with Qualified Retirement Plans

See what can happen when you remove financial bias from the fund selection process.

Services provided on a flat fee or hourly basis.

Steve Mehlig

asherport@comcast.net . (503) 524-4230

Fire Loss Claims?

- 18 years experience as a General Contractor.
- Experienced fire and casualty insurance adjuster.
- Available to represent the insured party in maximizing recovery from the insurer.
- Fees contingent on increased recovery.



FRED MILLARD
ATTORNEY AT LAW

503 721-0140

621 SW Alder Street, Suite 621, Portland, Oregon 97205

Admitted to practice in Oregon and Washington



MET WILSON

503.778.2131

wilsonm@lanepowell.com

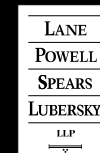
- Call or e-mail for resume and references
- Conference room space available in Portland and Seattle
- Will travel

Efficient Dispute Resolution

Mediation and Arbitration of Business and Commercial Disputes.

- Banking/Finance
- Contracts
- Real Estate
- Securities
- Transportation

601 S.W. Second Ave.
Suite 2100
Portland, OR
97204 - 3158
503.778.2100
www.lanepowell.com



YOUR PACIFIC NORTHWEST LAW FIRM®

Washington Personal Injury Trials

Vancouver attorney Don Jacobs announces his availability for the trial of Washington Personal Injury cases.



Attorney Don Jacobs

- 25 Years of Trial Work
- Association or Referral Fees shared according to Washington RPC 1.5(e)(2)
- All case expenses advanced
- WSTLA Eagle since 1986
- WSTLA Board of Governors 1993-2000
- Oregon State Bar since 1990
- Oregon Trial Lawyers Association Board of Governors since 2000
- OTLA President's Circle Member
- Member TLPJ and ATLA

Vancouver 360-695-1624 • Portland 503-222-7757
Toll-free 1-866-660-1624
www.nwinjurylawcenter.com

NEW ON THE SHELF

By Jacque Jurkins, Multnomah County Law Librarian.

LAW OFFICE POLICY & PROTECTION MANUAL, updated and revised 2004, 4th ed. Edited by Robert C. Wert and Howard I. Hatoff. Published by the ABA Law Practice Management Section, 2004. (KF 318 L39p)

MARKETING SUCCESS STORIES: conversations with leading lawyers, 2d ed. by Hollis Hatfield Weishar and Joyce K. Smiley. Published by the ABA Law Practice management Section, 2004. (KF 316.5 W45)

WOMEN-AT-LAW: Lessons learned along the pathways to success, with a forward by Martha W. Barnett. Published by the ABA Law Practice Management Section, 2004. (KF 299 W6 E67)

THE LAWYER'S GUIDE TO ADOBE ACROBAT by David L. Masters. Published by the ABA Law Practice Management Section, 2004. (KF 320 A9 M37)

FAIR DEBT COLLECTION, 5th ed. by Robert J. Hobbs. Published by the National Law Center, 2004. (KF 1040 C62)

THE LAWYER'S GUIDE TO SUMMATION by Tom O'Connor. Published by the ABA Law Practice Management Section, 2004. (KF 8915 O36)

ELECTRONIC EVIDENCE AND DISCOVERY: What every lawyer should know by Michele C. Lange and Kristin M. Nimsge. Published by the ABA Section of Science & Technology Law, 2004. (KF 8947 L36)

PREPARING WITNESSES: A practical guide for lawyers and their clients, 2n ed. by Daniel I. Small. Published by the ABA Small Practice, Solo & Small Firm Section, 2004. (KF 8950 S63)

THE DESIGN/BUILD DESKBOOK: The complete guide to design/build contracting, licensing, insurance, and procurement requirements in the 50 states and Canada, 3d ed. Edited by John R. Heisse and James S. Schenck. Published by the ABA Forum on the Construction Industry, 2004. (KF 1950 Z9 D47)

THE PRACTITIONER'S GUIDE TO THE SARBANES-OXLEY ACT. Edited by John J. Huber, et al. Published by the ABA Section of Business Law. (KF 1446 A31 P73)

HYAS TYEE: The United States Customs Service in Oregon, 1848-1989 by Harvey Steele. Published by the US Treasury, US Customs Service, Pacific Region, 1990. (KF 6676 S74)

INTERNATIONAL GUIDE TO PRIVACY edited by Jody R. Westby. Published by the ABA Section of Science and Technology Law, 2004. (KF 1263 C65 I57)

GUIDE TO FOREIGN LAW FIRMS, 4th ed. edited by James R. Silkenat and William M. Hannay, prepared and published by the ABA Section of International Law and Practice, 2004. (KF 297 G85)

THE OUTSOURCING REVOLUTION, 2004: Protecting critical business functions edited by John F. Delaney, William A. Tanenbaum, James E. Meadows and William G. Roche. An Intellectual Property course handbook, published by the Practising Law Institute, 2004. (G-807)

PATENTS IN THE FINANCIAL SERVICES INDUSTRY: What you need to know by James R. Myers. An Intellectual Property course handbook, published by the Practising Law Institute, 2004. (G-803)

CALENDAR

To register for CLEs, please see inserts inside this issue.

December

3 Friday, CourtCare - 3rd Birthday
See details on p. 5.

7 Tuesday, MBA Board meeting
Tuesday, YLS Board meeting

8 Wednesday, YLS Drop-In Social and Toy Drive
See details on p. 10.

9 Thursday, MBA CLE - Drafting Pre- and Post-Nuptial Agreements that Stick
See insert or register at www.mbabar.org.

10 Friday, Multnomah Lawyer deadline

Friday, MBA CLE - The Management of Nonprofits and the Further Adventures of HIPAA
See insert or register at www.mbabar.org.

24 Friday, Holiday
MBA office closed.

January, 2005

3 Monday, MBA Professionalism Award nominations due

4 Tuesday, MBA Board meeting

Tuesday, YLS Young Litigators' Forum begins
See insert or register at www.mbabar.org.

10 Monday, Multnomah Lawyer deadline

11 Tuesday, YLS Board meeting

17 Monday, Martin Luther King Jr. Holiday
MBA closed.

19 Wednesday, MBA Open House

20 Thursday, YLS Drop-In Social

27 Thursday, MBA CLE - Annual Family Law Update
See insert or register at www.mbabar.org.

February

1 Tuesday, MBA CLE - Human Resource Issues for the Small Firm
See insert or register at www.mbabar.org.

3 Thursday, MBA CLE - How to Prepare a Winning Appeal
See insert or register at www.mbabar.org.

26 Saturday, MBA WinterSmash
See details on cover.

www.heintzberger.com

The Heintzberger Company
Consultants, Actuaries & Administrators

for

Retirement Plans and Trusts

(503) 228-6390
1600 SW Fourth Ave, Suite 960
Portland, Oregon 97201

WILLIAM F. SCHULTE

Mediation
Settlement Conferences
Reference Judge

Bill Schulte is now focusing his practice on mediation, reference judging and conducting settlement conferences in family law matters. Bill has been an active litigator since 1966. He has been recognized as one of the "Best Lawyers in America" since the first edition in 1983. Bill is a member of the American Academy of Matrimonial Lawyers and a frequent contributor to legal education programs.

For scheduling or references:
(503) 223-4131
FAX: (503) 223-1346
wschulte@schulte-law.com

Andy Chenoweth

Arbitrator
|
Mediator

Full time neutral with extensive litigation and dispute resolution experience.


- Personal Injury
- Insurance
- Professional Negligence
- Employment
- Commercial
- Construction

Tel: 285-3344
Fax: 285-3355

KEU
& AITERMAN
& RUNSTEIN, L.L.P.
Attorneys at Law

Employment
Business/ Commercial
Personal injury/ medical malpractice
Debtor/ Creditor/ Bankruptcy
Real estate
Organizations

Charles R. Williamson
Mediation and Arbitration



520 SW Yamhill St.,
Suite 600
Portland OR 97203
phone 503.248.1854
fax 503.227.2980
charlie@kelrun.com
www.kelrun.com



TIME OUT!

...When you take time away from trial preparation, you expect that it won't be wasted.

BANNON MEDIATION, LLC

EXPERIENCED IN
simple & complex business,
personal injury & employment cases.

503-382-0722

Ethics Focus

By Mark Fucile, Stoel Rives.



The New Rules: What's Inside the Box? Part 1 - Conflicts

The proposed new Oregon Rules of Professional Conduct that I discussed in October were approved by the OSB's House of Delegates on October 16 and were adopted by the Oregon Supreme Court on October 26. The new rules become effective on January 1. This column and the next three will examine what's in the new rules in four key areas: conflicts, confidentiality, the "no contact with represented parties" rule and multijurisdictional practice. We'll start this month with conflicts — current, former, personal/business interest and waivers.

Current Client Conflicts

Current multiple client conflicts are now defined in DR 5-105(A), (E) and (F) and have some unique terms such as "actual" and "likely" conflicts that codified, in part, the Supreme Court's decision in *In re Johnson*, 300 Or 52, 707 P2d 573 (1985). In the new rules, the current multiple client conflict rule is RPC 1.7(a)(1). Although the terminology is different, the new rules get to essentially the same place as the old rules in terms of what constitutes a conflict, which are waivable and which are not. A current multiple client conflict is defined as a situation in which "the representation of one client will be directly adverse to another client." A current client conflict is waivable under RPC 1.7(b) if it is unrelated to a matter that the lawyer is handling for the client to be opposed. The definition of nonwaivable conflicts from the old rules ("actual conflicts") is incorporated into new RPC 1.7(b)(3) and prohibits a lawyer from representing both sides in the same matter — whether litigation or business — even if the clients involved want to consent.

Former Client Conflicts

Former client conflicts are now defined in DR 5-105(C) and (D) and largely reflect the Supreme Court's decision in *In re Brandsness*, 299 Or 420, 702 P2d 1098 (1985). In the new rules, the former client conflict rule is RPC 1.9(a) and (c). Again, although the terminology is somewhat different, the result should be roughly the same. As in the old rules, there are two kinds of

former client conflicts: (1) when the lawyer is representing a new client in a matter "materially adverse" to a former client that is the same or "substantially related" to one the lawyer handled for the former client; and (2) when the lawyer's new representation would involve using the former client's confidential information, that the lawyer learned in earlier work, adversely to the former client. Like DR 5-105(D), all former client conflicts under RPC 1.9 are waivable.

Personal and Business Interest Conflicts

Personal and business interest conflicts are dispersed throughout the current rules — including DR 5-101, DR 5-104, DR 5-107, DR 5-108 and DR 5-110. The new rules largely retain the same concepts but centralize most of them into RPC 1.7(a)(2), which deals generally with personal interest conflicts, and RPC 1.8, which aggregates most of the specific regulations — such as business transactions with clients and payment of a lawyer's fee by a third party — in one spot.

Waivers

The present template for conflict waivers is DR 10-101(B), which defines them in terms of "full disclosure" and includes a requirement in most circumstances that waivers be confirmed in writing and include a recommendation to seek independent counsel on whether the waiver should be granted. Again, the new rules retain these concepts, but define them instead in terms of "informed consent" under RPC 1.0(g) as "the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct." Both the requirements, that consent be confirmed in writing and include a recommendation to seek independent counsel, are also retained in RPC 1.0(g).

2005 MBA Professionalism Award Nominations Sought

Do you know a lawyer who goes above and beyond the minimum standards of professionalism? Nominate him or her for the 2005 MBA Professionalism Award. Any MBA practicing attorney member, except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award. Former nominees may be re-nominated. For more information and a nomination form see the insert in this issue or go to www.mbabar.org.

Marketing, Public Relations and Client Relations Volunteers Wanted

The MBA will celebrate its 100th Anniversary in 2006. Our planning committee is looking for people who are in marketing, public relations or client relations positions to join our fun group. We meet monthly for an hour on the fourth Monday at noon at the MBA office. There are also five sub-committees to consider: Community Gift, Events, Fundraising and Budget, Historic, and Publications and Communications. Please contact Judy Edwards, MBA Executive Director at 503.222.3275 or judy@mbabar.org if you want to add a little fun to your life!

Law Firm Archives

The MBA is researching its history in preparation for its 100th Anniversary in 2006. Does your firm have archives with interesting, serious, humorous or unusual stories and events related to lawyers, trends in law or information on MBA activities? If you do, please share them with Judy Edwards, MBA Executive Director at 503.222.3275 or judy@mbabar.org. We especially want members' reminiscences about the MBA during the time they volunteered with the organization. The MBA has very few materials for the years 1938-1977. If you have any contributions for these years, we would very much appreciate receiving them. Thank you.

100th MBA Anniversary Research Challenge to Law Firms

The Oregon Historical Society has a number of lawyer oral

history tapes that have not been transcribed. MBA is looking for a few generous volunteers to help with the project. Lane Powell et al has come forward and offered to transcribe five tapes over the next three months. Would your firm match their pledge? We would love to hear from you. Please contact Judy Edwards at 503.222.3275 or judy@mbabar.org.

MBA Noon Time Bicycle Rides

Short, fast rides with hills. Meet at the corner of Yamhill and Broadway between noon and 12:10 p.m. Mondays and Thursdays. Contact Ray Thomas at 503.228.5222 with questions, or meet at the start.

ABA Appoints New ADR Committee Chair

Multnomah County Circuit Court Judge Jerome LaBarre has been appointed chair of the ADR Committee of the National Conference of State Court Trial Judges of the ABA's Judicial Division. Judge LaBarre is also the judicial representative on the ABA Special Committee on Bio-Ethics & the Law and is one of Oregon's three judicial delegates to the ABA's Judicial Division.

Circuit Judges Association Elects New Officers

The following officers were elected at the October meeting: President, Hon. Karsten H. Rasmussen; Vice President, Hon. Mark C. Gardner; Treasurer, Hon. William D. Cramer Jr.; Secretary: Hon. Daniel L. Harris; Representative to the Judicial Conference Executive Committee, Hon. Richard L. Barron.

Imprint Program Short-term Volunteer Opportunity

Volunteer with the newly developed Imprint Program. Attorneys will be paired with eighth grade students; will read the same book and communicate through letters. The program runs from February to March 2005. For more information, see the article on page 10. To volunteer, contact Klarice Kolbe at kkolbe@abbottprange.com.

Legal Aid/OLC Collaborate on Web Site

A new effort to provide one source of information about pro bono opportunities in Oregon has been launched. Oregonadvocates.org provides valuable links and information about providing pro bono services to low income clients. For more information, see the article on page 11.

Women and Racial/Ethnic Minorities Sought as Speakers

The OSB is working with OWLS, OMLA and the MBA Equality Committee to increase the leadership roles of women and racial and ethnic minorities. A list of lawyers who are interested in either speaking at OSB and MBA-sponsored seminars and events or attending workshops specifically designed to enhance speaking and public presentation skills is being developed.

If you are interested in either of these opportunities, please send an email to cle@osbar.org with the subject line as "CLE Questionnaire." Include in the email your contact information and a brief description of your practice area expertise. A very brief questionnaire designed to match your interests with the available opportunities will be sent to you.

If you have any questions, please contact OSB President-Elect Nena Cook at nenacook@sussmanshank.com.

Queen's Bench

On December 7, the Queen's Bench (Multnomah County Chapter of Oregon Women Lawyers) Annual Meeting will be at Davis Wright Tremaine from 12-1 p.m. Elections will be held.

On December 14, Queen's Bench will honor women judges at its Annual Holiday Lunch at Embassy Suites from 11:45 a.m.-1 p.m. Cost is \$18; no reservations required.

ANNOUNCEMENTS

LAUREN PAULSON

MEDIATOR EXTRAORDINAIRE



(T) 503-591-1819
(F) 503-649-2892

YOUR WASHINGTON COUNTY CONNECTION

Multnomah CourtCare Celebrates Third Birthday!

Multnomah CourtCare celebrated its third year of operation at the beginning of this month. In those three years, over 3300 children and their families have been served. In addition to child care, CourtCare staff helps families identify resources for emergency food, clothing and even shelter. Staff also makes referrals to other social service programs as needed.



Last spring, the Multnomah County legal community raised over \$65,000 to support CourtCare, a program of Volunteers of America Oregon, Inc. As a direct consequence of this financial support, the program continues to provide safe, nurturing child care to children whose parents are at the Multnomah County Courthouse attending to legal business. Parents appreciate the high quality child care their children receive; judges and court staff appreciate the lack of disruption in courtrooms and courthouse hallways.

The Multnomah CourtCare Fundraising Committee is already meeting to plan the second annual CourtCare Campaign. This coming spring's fundraising effort will begin on April 25 and end on May 6, 2005. Look for details in future issues of the *Multnomah Lawyer*.

In the meantime, it's the holiday season. If you didn't participate in the annual fundraising effort

and would like to support CourtCare, donations would be very welcome. Contributions, designated for Multnomah CourtCare, can be sent to Volunteers of America Oregon, Inc. at 3910 SE Stark, Portland OR 97214. If you have questions about the program, please call Lorraine Barton at 503.235.8655.

Balancing Family and Career (Cont. from p. 1)

- based on how they perceive their employer's policies address their needs.
- Many lawyers, both associates and partners, believe that success at many firms is incompatible with work-family balance. Treating those on reduced schedules or alternative paths as "second-class citizens" perpetuates a culture in which balancing family and work responsibilities is viewed as unrealistic.
- People with family care responsibilities are very committed to meaningful work and often overcome significant hurdles to produce quality legal work.
- A significant cause of attrition in firms is the relentless pressure for billable and other hours in excess of what lawyers with family commitments can sustain over extended periods. Attrition costs money and firms with high attrition rates cannot operate economically.

Law firms, regardless of size, are complex and evolving organizational systems. Each of us has an interest in the financial success of the firm in which we practice. We have a common interest in the

long-term vitality of law firms within our community and the lawyers who work in them. The structural changes needed to integrate work-family and work-life balance into law firms requires vision and flexibility and acceptance of the fact that true change rarely proceeds smoothly. The power to shape the legal workplace to achieve work-life balance is within our grasp and we should not shrink from the challenge.

The Boston Bar Association has developed an implementation plan to address the issues identified in its task force report. The plan includes an array of work-life initiatives involving law firm management, partners, associates and law schools. Here at the MBA, the Managing Partners Roundtable, representing the 25 largest firms in the area, discusses issues surrounding work-life balance in a variety of contexts. Anyone who is interested in sharing ideas is welcome to submit them for discussion by the Roundtable. Please send them to Kathy Maloney at kathy@mbabar.org. For additional information about the Boston study, visit the Boston Bar Association's web site at www.bostonbar.org.



We've been in the business of building relationships since 1852.

And, we plan to continue that tradition by supporting the business needs of Multnomah Bar Association Members.

Contact Michael Giavanti to find out about the exclusive benefits for Multnomah Bar Association Members.



Michael Giavanti, VP & Relationship Manager
1300 SW 5th Avenue, 6th Floor
Portland, OR 97201
Phone: 503.886.1446
Fax: 503.886.1430
michael.j.giavanti@wellsfargo.com

Oregon Lawyers Make Difference through OLAH Drive

Oregon Lawyers Against Hunger (OLAH), a nonprofit organization comprised of legal professionals in Oregon, raised more than \$114,000 in this year's eighth annual fundraiser to benefit the Oregon Food Bank (OFB). Oregon Food Bank is a community based, nonprofit organization dedicated to eliminating hunger and its root causes throughout Oregon and Washington's Clark County. Every dollar donated enables OFB to collect and distribute almost eight dollars worth of food for hungry people, in addition to supporting programs to fight the root causes of hunger in Oregon and Southwest Washington.

More than 40 law firms and hundreds of individual attorneys in the tri-county area and throughout the state participated. The Silver Barrel Award, given to the team with the largest overall contribution, was presented to Lane Powell et al, which raised over \$17,000. Heller Ehrman et al received the Golden Can Award, which goes to the firm with the largest average per capita contribution, by raising \$266.50 per person.

For more information on OFB, call 503.282.0555 or visit www.oregonfoodbank.org.

To learn more about OLAH, please contact Board President Megge Van Valkenburg at 503.499.4471.

Calling All Basketball Players

The attorney basketball league season is almost here. Games will begin on Sunday, January 9, 2005. All firms are welcome to join, as are individual attorneys. The league is open to men or women who are interested in playing competitive basketball amongst their peers.

There are ten total games to be played, guaranteed, seven regular season and three playoff games. Each game has two referees and a scorekeeper provided by the league.

The league plays at the Tualatin Hills Park & Recreation Center on 158th and Walker Rd in Beaverton on Sunday afternoon/evening. A trophy with the name of the winning team is awarded and may be displayed at their firm for the year.

The cost of the league is \$750 per team for the season. A portion of this fee goes to The Players Foundation, a 501(c)(3) nonprofit corporation that provides athletic opportunities for abused and/or at-risk youth.

There will be a mandatory all captains' meeting to discuss rules and schedule on Thursday, December 16 at noon at Schwabe Williamson & Wyatt, 1211 SW 5th Ave, Ste 1900. Lunch will be provided for all.

To register or for more information, please call league commissioner Nathan Wilson at 503.710.1720 or email him at nbwilson@qwest.net.

New Web Site for Legal Aid and Pro Bono Attorneys

Legal Aid and the Oregon Law Center recently launched a new Web site designed to be a resource for Legal Services attorneys and pro bono attorneys who take Legal Aid/OLC cases.

Join this Web site to access useful materials and resources for Oregon lawyers who provide services to low-income Oregonians:

- Sample pleadings, briefs, memoranda
- Advocate brochures and handouts
- Pro bono project materials
- Meetings, trainings, and other events for legal services advocates and attorneys participating in pro bono programs.

The goals of the Web site are to expand access to justice by facilitating the sharing of information and resources among legal services advocates and by promoting pro bono representation by the private bar. To join, go to: www.oregonadvocates.org and click on Join Oregon Advocates.org.

For more information, please contact Maya Crawford at Legal Aid Services of Oregon, Portland at 503.224.4086 or maya.crawford@lasoregon.org.

A project of the Association of Oregon Legal Services Programs.

Renewing your membership? DON'T FORGET VLP...

The MBA thanks the following members, who gave more than the \$20 "check off" suggested donation to the Volunteer Lawyers' Project (VLP).

Robert Black
Kathleen Dodds
Deborah Hewitt
James Lang
Randolph Pickett
Allen Reel

Please remember to look for the check off box on your membership renewal form, and be as generous as possible when donating to VLP.

Around the Bar (Cont. from p. 7)

committee leads the college's efforts to provide legal services to those unable to afford them. The committee also monitors pro bono activities of its state committees to ensure those activities are consistent with the purpose of the college.

Attorney **Andrew D. Barofsky** joined the Schwabe's nanotechnology and microtechnology law practice group, formed earlier this month. He will also serve as a member of the firm's business and technology practice group.

Barofsky specializes in corporate law, intellectual property and patent law for science and technology companies. He has recognized expertise in technology transfer and commercialization in a variety of corporate, academic and health care settings.

Attorney **Kevin Brannon** joined the firm as shareholder, adding seasoned talent to the business and technology practice groups.

Brannon specializes in complex business transactions, including mergers, acquisitions, joint ventures and other strategic transactions for mid-market and emerging growth companies.

New Schwabe associates include **Melissa A. Boge, Jeff D. Hern, Pierre Keeley, Shonee D. Langford, W. Randy Miller, Christiane R. Fife, Russel R. Robertson, Allyssa Walton** and **Carrie Wood**.

Boge will advise clients on a wide range of issues, including corporate branding and marketing matters, mergers and acquisitions, corporate finance, technology commercialization and licensing corporate governance, e-commerce and privacy matters, and trademark and copyright law.

Hern joins the business litigation practice group.

Intellectual property attorney Keeley joins the IP and patent practice group.

Langford, Miller, Fife and Robertson were all recent summer associates at the firm.

Walton is involved in nonprofit organizations, providing support services to children and families.

Wood joins the business and corporate law practice group.

TONKON TORP
Loree Devery has rejoined the firm as the recruiting manager. She was an associate and partner in the firm's bankruptcy/creditor's rights department from 1988 through 1998. During that time, she also served on the firm's hiring committee. Devery recently served as executive director of OWLS.

The firm has also added four associates to the litigation and business departments.
Michael Callier, Michael Millender, Ava Schoen and **Christine Uri**.

LARRY T. COADY Arbitrator/Mediator

— Experienced, effective full-time neutral —

*Active Private Judge Pro-Tem
For 14 Years*

American Arbitration Assoc.
Arbitration Service of Portland
NASD Mediator/Arbitrator
Court-Mandated Cases
PMAR Mediator
State Agency Mediator Roster
ADA Mediation Roster
Better Business Bureau
Direct Engagements

Phone: (503) 227-7357
Fax: (503) 697-9567
Email: ltcoady@aol.com

Divorce? Teamwork.

We have attorneys at a variety of hourly rates, but they're all backed by 300 years of combined experience.

GEVURTZ Attorneys at Law
• MENASHE

Portland, 503.227.1515
OregonDivorceLawyers.com

The firm you want on your side

Around the Bar

Attention: Policy Change

Beginning in January 2005, the *Multnomah Lawyer* will only publish items pertaining to MBA members in the "Around the Bar" section of the newsletter.

THE ARC OF OREGON

The Arc of Oregon (formerly known as the Association for Retarded Citizens) announces that **Roger Hennagin**, a lawyer practicing in Lake Oswego and a champion of the rights of individuals with disabilities, was elected president of the organization.

ATER WYNNE

The firm has added four new attorneys to its business, regulated industries and litigation practices.

John D. Walch uses a strategic approach to design, build and maintain clients' benefits plans, including ESOPs, profit sharing plans, 401(k) plans, defined benefit and welfare benefit plans. He is of counsel with the business group.

Sarah K. Wallace joins the regulated industries practice as an associate, emphasizing telecommunications, environmental and energy law.

Andrea M. Wendt is an associate with the litigation group. She handles general business litigation as well as employment law, defense of products liability claims, and environmental and regulatory litigation.

Nathan A. Karman returns to the firm as an associate in the litigation and business groups. He began his career with the firm as a summer associate in 2003.

BARRAN LIEBMAN

Richard F. Liebman was awarded the 2004 Management Practitioner Award by the Oregon Industrial Relations Research Association. The IRRA is the only organization in labor-management relations that serves the entire collective bargaining community and spans all sectors.

Edwin A. Harnden, Managing Partner, was named in *The Best Lawyers in America* directory.

Andrew M. Schpak has joined the firm as an associate, where he will focus on employment and labor law. Schpak graduated from Cornell Law School.

BARRIE & JAQUISS

The firm of Barrie & Jaquiss has moved to 406 NE 4th St, Gresham OR 97030. Telephone and fax numbers remain the same.

CHERNOFF VILHAUER ET AL

J. Peter Staples has been selected for inclusion in the intellectual property law category of *The Best Lawyers in America*. Staples, a partner with the firm, has practiced law in Portland since 1979.



J. Peter Staples



Shannon M. Connelly

DAVIS WRIGHT TREMAINE Shannon M. Connelly, a partner in the firm's Portland office, was recently named as fellow of the American College of Trust and Estate Counsel, a national association of more than 2,700 lawyers who are recognized for their contributions to the field of trust and estate law.

Connelly, a trusts and estates attorney, regularly advises clients regarding estate and business succession planning and estate administration, federal estate and gift taxation and audits, and general business issues.



Meredith K. Merth

DUNN CARNEY ET AL

Meredith K. Merth has joined the business and estate planning section of the firm, where she will focus on business law, taxation and estate planning.

HECHT & SMITH

Allison Mosher has become an associate at the firm, where she will practice solely in the field of immigration law.

LANE POWELL ET AL

Steven B. Ungar, chair of the white collar criminal defense and government enforcement practice group, has been appointed by Governor Kulongoski to serve as one of

five volunteer Oregon Lottery Commissioners. Ungar's practice concentrates on defending individuals and entities who are subjects and targets of investigations and prosecutions. He handles cases involving state and federal agency enforcement actions.



Steven B. Ungar

Lane Powell lawyers were recently selected by their peers for inclusion in *The Best Lawyers in America*® 2005-2006. The six Portland office lawyers named and their practice areas include: **John Folawn**, legal malpractice law; **Anne W. Glazer**, intellectual property law; **Lewis M. Horowitz**, tax law; **George L. Kirklin**, business litigation and personal injury litigation; **Leigh D. Stephenson-Kuhn**, employee benefits law; and **Steven B. Ungar**, criminal defense.



John Folawn



Anne W. Glazer



Lewis M. Horowitz



George L. Kirklin



Leigh D. Stephenson-Kuhn

LEWIS & CLARK LAW SCHOOL

The law school has promoted three current employees to new positions and welcomed a new director of career services. Three of the four are also alumnae.

Libby Davis ('93) is the new assistant dean for career services. A cum laude graduate, Davis was in private practice before joining the law school as alumni director. Since 1995, Davis has worked as director of career services, where she developed the Pro Bono Honors program, facilitated the highly successful mentor programs, and organized numerous programs and events. Davis is a member of the OSB, OWLS, MBA and the National Association for Law Placement. She also serves on the OWLS Foundation board and is currently the treasurer of the organization.

Robin Jerke is the new alumni services manager at the law school. Jerke served as interim manager for six months and was a departmental specialist prior to that. She earned a bachelor's degree in education and a master's degree in reading disabilities and has 25 years of experience in education.

Ellen Jones ('91) is the new director of career services. She served as the director of career services at Willamette University College of Law from October 2001 to May 2004. Jones previously worked for the Juvenile Rights Project, a nonprofit organization in Portland, first as a staff attorney and later as executive director. She is a member of the OSB and is involved in a variety of professional and community activities.

Lisa LeSage ('85) is the new assistant dean for business law programs. She joined the law school staff in 1996 as assistant dean for career services. Prior to that, LeSage was a staff attorney with Oregon Legal Services Farmworker office and a partner in a law firm, representing clients

in state and federal courts and trying several high-profile cases. LeSage is a vice president of the OSB Board of Governors, where she is the current chair of the BOG Access to Justice Committee and liaison to the Legal Services Task Force, Legal Services Committee, Oregon Law Foundation, Campaign for New Lawyers Division, and OSB Diversity Section. In 2002, she received the OSB President's Affirmative Action Award and is one of the founders of the OSB diversity section.

MARGER JOHNSON & McCOLLOM

Alan McCollom, a shareholder with the intellectual property law firm, has been appointed to two Panels of Distinguished Neutrals for the CPR Institute for Dispute Resolution (formerly known as the Center for Public Resources). McCollom will serve on CPR's technology panel and on the regional panel for Oregon.

McCollom has more than 25 years in private law practice. His extensive intellectual property law background includes infringement and validity studies and opinions; infringement litigation and US Patent and Trademark inter partes proceedings; and service as an arbitrator and special master in federal court in connection with patent infringement disputes.



Andrew D. Barofsky



Kevin Brannon

SCHWABE, WILLIAMSON & WYATT

The American College of Trial Lawyers announced the appointment of **William B. Crow** to serve as co-chair of its Access to Justice and Legal Services Committee.

Crow will share the committee chair position with Christine Carron of Montreal, Canada. Together, they will preside over the American College of Trial Lawyers' Access to Justice and Legal Services Committee. The

Cont. on p. 6

Tips from the Bench

By Judge John Wittmayer, Multnomah County Circuit Court.



Early assignment to a trial judge (or, how to get some certainty your case will go to trial)

Some civil cases need more certainty about the trial date than do others. You have a case with out-of-town lawyers or experts or other “issues,” and it would be a big expense to the litigants to get carried or set-over at daily call because we are short judges available for trial the day your case is set. Presiding Judge Dale Koch is here to help. At least a month before your trial date, schedule an afternoon conference with Judge Koch and you can ask him to make an early assignment of a trial judge to your case. Be prepared to give a firm commitment as to the maximum length of the trial. Although that request cannot always be granted, the court will be happy to see if it is possible to pre-assign a judge to your case for that trial date.

Email addresses

Email correspondence has become increasingly common. The OSB includes lawyer email addresses in the bar directory, both the printed version, and the online version that is available on the bar’s web site. Court staff and lawyers frequently link to the OSB web site directory, www.osbar.org and “copy and paste” email addresses for ease of correspondence to lawyers.

UTCRC 2.010(7) has been revised to require that as of August 1, 2005, you must include your email address (and your fax number), if any, on pleadings, motions and other documents you file with the court.

Lawyers should all have email addresses. This is no longer “cutting edge” technology. Email is easy and quick. And your email addresses should be available on the bar’s Web site directory. Some lawyers choose not to have the bar list their email addresses. This is very frustrating. Don’t do it.

Some judges believe that correspondence with the court via email is inappropriate. Other judges embrace this simple and cheaper alternative to formal correspondence. Before corresponding with a judge via email, call the judge’s office to learn any preference that judge may have. Also, do not include the judge on the “cc” list for emails from lawyer to lawyer. Judges are not interested in reading your emails to each other.

Written submissions – keep them short

Sure, you know everything there is to know about your motion or your opposition to the other lawyer’s motion, but the judge does not need to know everything - just the important things. And the judge does not need all of the citations, just the most recent Oregon citation, if there is one. Unfortunately, trial judges do not have time to read every case you cite in your memorandum, but the judge will be encouraged to read a cited case if you clearly point out to the judge in your submission that the case does not stand for the proposition claimed for it by the other lawyer. When there is a disagreement between the lawyers about what a case means, the judge is much more likely to make time to read it. Be clear about this in your submission.

Before you send anything longer than a couple of pages to a judge via fax, you should call the judge’s office and ask permission. Our fax capability operates through the computer of our judicial assistant, and must be printed on our assistant’s printer. This ties up the assistant’s printer for lengthy fax transmissions. Long email file attachments are the same as long fax transmissions.



By Jeffrey Chicoine, Newcomb Sabin et al and Court Liaison Committee.

Courthouse development update

Presiding Judge Dale Koch reported that the Multnomah County Commissioners are moving forward on a plan for new courthouses, both in Gresham and downtown Portland. For the Gresham courthouse, the commissioners will declare two parcels of county land as surplus at their November 18 meeting, clearing the way for sale. The proceeds will be dedicated to the expense of building an East County Justice Center, which will include the new Gresham court facility and a new headquarters for the Multnomah County Sheriff. The tentative plans call for developing a four courtroom structure that has capacity to add two additional courtrooms, with space for the sheriff and district attorneys. Siting remains to be determined; a key requirement is locating the structure near the light rail line.

Judge Koch also reported that the county commission will be asked to declare a property in Portland as surplus in order to sell that property. Proceeds will be dedicated to purchasing land as an eventual site for a new downtown Portland courthouse. This issue will also be on the Board of County Commissioner’s agenda on November 18. (Press time is prior.)

Email Addresses Required by UTCRC and Email Court Notices Possible

Trial Court Administrator Doug Bray reported that as of August 2005, a UTCRC amendment will require that all state court pleadings include each attorney’s fax number and email address. This rule is UTCRC 2.010 (7). As amended, the rule now provides:

“(7) Attorney or Litigant Information

All documents must include the author’s name, address, telephone number, if any, and,

if prepared by an attorney, the name and the Bar number of the author and the trial attorney assigned to try the case. **On and after August 1, 2005, the author’s fax number, if any, and the attorney’s e-mail address, if any, must also be included.** Any document not bearing the name and Bar number of an attorney as the author or preparer of the document must bear or be accompanied by a certificate in substantially the form as set out in Form 2.010.7 in the UTCRC Appendix of Forms.” (Emphasis added.)

Mr. Bray also mentioned that the Oregon Judicial Information Network (OJIN) now contains a feature that permits court notices of scheduled events to be sent by email. That OJIN feature is not activated in Multnomah County at this time. The OJIN program permits one email address per attorney. Before proceeding with any implementation of email notices, Mr. Bray would like to have input from local bar members on the desirability of replacing the current printed and mailed notices of scheduled court proceedings with email notices. Michael Merchant, Greg Silver and Tom Cleary agreed to serve on a Court Liaison Committee subcommittee which will assist Mr. Bray in addressing this process.

The ITAX

The committee also discussed the failure of the ITAX repeal in Multnomah County. Helen Smith reported the county had instigated a priorities-setting process in the event that the ITAX repeal was successful. The county chair has directed that this process continue regardless of the outcome of the November vote because of the temporary nature of the tax. The ITAX expires at the end of the 2005 tax year, and its revenue will no longer be available to the county or school districts beyond the 2005-06 fiscal year.

Jurors and Jury Service

Judge Koch reported that the circuit court has returned to the one trial/one day system for jury service.

Judy Edwards reported on the Jury Appreciation Project, which held a forum on juries last month, organized with the assistance of Judge Ellen Rosenblum. A panel that included Chief Justice Wallace Carson Jr., Judge Janice Wilson, ABA President Robert Grey and a former juror was moderated by Professor Bryan Johnston of Willamette University. Recommended changes in the jury process which would increase participation and improve the experience for citizens were collected from the audience. This material is in the process of being compiled and analyzed by a work group led by Judge Rosenblum.

The committee was asked to look into whether there is a better method for disbursing jury verdict information. Leslie Kay volunteered to contact Judge LaMar’s office to investigate this process.

Legislative Open House

Judge Koch reported that the circuit court and the MBA held its third legislative open house on October 7 at juvenile court. The open house was attended by 22 legislators and legislative candidates.

Judicial Feedback forms

The committee has received no submissions of the Judicial Feedback forms. These forms are available on the MBA Web site. A subcommittee has been formed to research why this form is not being used.

Profile – Kathleen M. Dailey, Circuit Court Judge, Multnomah County

By Susan E. Watts, Kennedy, Watts, et al and Court Liaison Committee.

Judge Kathleen Dailey's background of diverse life and legal experiences have prepared her for her new position as Circuit Court Judge for Multnomah County.

Judge Dailey was in fifth grade at Our Lady of the Lake School in Lake Oswego when she moved with her parents, her two older brothers and two younger sisters to Fiji, where her father had business interests. The family arrived in Fiji in time for the celebration of its independence from Great Britain on October 10, 1970, and Dailey vividly remembers standing on the street waving the Fijian flag and singing the Fijian anthem as Queen Elizabeth, Prince Charles and Ratu Sir George Cakobau went by in a horse-drawn carriage.

Dailey describes her years in Fiji as "idyllic," despite annual hurricanes. She attended a government school under the British system of exams and uniforms, and was a successful mid-distance runner during high school, competing in the Fiji Nationals her senior year. In December 1976, she graduated

from the Sixth Form with a University Entrance Certificate. She took her SAT exam by herself at the American Embassy. Fiji offered Dailey a multicultural experience that greatly influences her to this day.

After graduation, Dailey returned to Portland where she faced the culture shock of tall buildings, malls and "so many people, events, and choices." She lived with her uncle, Lake Oswego attorney William Buckley, and worked as a clerk in the real estate loan division of First Interstate Bank.

Dailey entered the University of Oregon in the fall of 1977 and graduated in June 1981 with a degree in history. She enrolled at Lewis & Clark Law School in the fall of 1981. In 1983, Dailey married an army ranger whom she met during college and ended up finishing her law degree in the summer of 1984 at Fort Sill in Oklahoma under the long-distance supervision of then professor, now Dean, Huffman.

Dailey moved with her husband to Bad Kreuznach, Germany,

where she first worked as a substitute teacher (without teacher training) and then as an Outreach Coordinator for Army Community Service. Her eldest son, Jack, was born in Germany in 1987, shortly before her husband completed his military service and the family returned to the United States.

Upon her return to Portland, Dailey clerked for Bennett Hartman Tauman & Reynolds. She took and passed the bar exam in the summer of 1988. In the fall of 1988, Dailey was hired as a staff attorney at Metropolitan Public Defender Services Inc. She stayed there for four years, defending adult and juvenile clients accused of both misdemeanors and felonies. During this time, her second son, Joe, was born.

Dailey joined Williams & Troutwine in 1992 and became a partner in 1999. She represented plaintiffs in complex tort actions, many involving multiple plaintiffs and multi-district litigation. She also litigated elder abuse cases and one of the first toxic mold cases in Oregon.

Dailey was also an active member in the OSB, MBA, and Oregon Trial Lawyers Association and is the immediate past president of OTLA. In 2002 she received the Joyce Ann Harpole award for exhibiting balance in career, family and community. An honor that, as a single parent, reflects her commitment to both her sons and her career. Approximately three years ago, with a desire to serve the community better, Dailey began exploring the possibility of a judicial position. She spent a lot of time evaluating the position, talking to judges and considering what it meant to be a judge before deciding to seek the position. She was pleased to be appointed on August 20, 2004 by Governor Kulongoski to the position vacated by the retirement of Judge Dorothy Baker.

Dailey believes her personal and legal experiences have prepared her to be a sound judge. She is competent, open-minded and confident in her new position. She is determined to be an effective judge and to contribute meaningfully. She believes respect for all parties is



Judge Kathleen M. Dailey

of utmost importance, and she is committed to being fair.

Dailey supports the concept of "restorative justice." In her view, the goal of the criminal justice system is not to be solely punitive, but to respond to the needs of the victims and the community, and to steer offenders to accept personal accountability and motivate them to change. Dailey understands the court's financial resources are limited, but she intends to work within existing resources to facilitate this philosophy. She looks forward to years of service to the court and the legal community.

Judge Dailey's chambers are located in Room 556 of the courthouse. Her judicial assistant is Laura Knox. Her judicial clerk is Alicia Hercher. They may be reached at 503.988.3062.

Obituary – Charles S. Crookham

By Richard J. Whittemore, Bullivant Houser Bailey.

Charles S. Crookham, former Multnomah County Circuit Court Judge, Oregon Attorney General and retired Army Colonel, passed away on October 7, 2004 in Portland, Oregon. Judge Crookham is survived by his wife, Elizabeth, and three sons, Berkeley, Whitney and Kelly, all of Portland.

His memory was honored in a memorial service on October 14 at Trinity Episcopal Cathedral, Portland. Hundreds of friends and colleagues were treated to eloquent, thoughtful and respectfully humorous comments from the Honorable Robert E. Jones, Justice Michael Gillette, Whitney Crookham and the Reverend William Lupfer. A burial service, which appropriately included full military honors, followed at Riverview Cemetery.

Judge Crookham was born and raised in Portland and graduated from Grant High School. He attended Oregon State University, Loyola University of Los Angeles, Multnomah College of Portland, Stanford University and Law School and graduated from Northwestern School of Law at Lewis & Clark College in 1951.

Judge Crookham's distinguished legal career commenced with a trial and appellate practice at Vergeer & Samuels, Portland. In 1962, he was appointed to the Multnomah County Circuit Court bench by then Governor Mark O. Hatfield. He became Presiding Judge in 1978, and served with distinction until 1985.

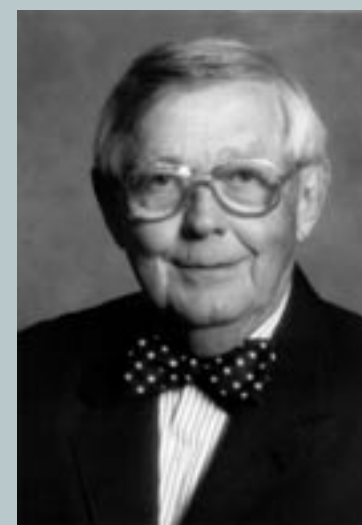
After retiring from the bench, Judge Crookham was appointed by Governor Roberts to complete Dave Frohnmeier's term as Attorney General in 1992. He subsequently became Of Counsel to the Bullivant Houser Bailey firm in Portland, where his practice focused on arbitration and mediation of complex business and products liability cases.

Although Judge Crookham was born on St. Patrick's Day, he was a devout Anglophile. He had an encyclopedic knowledge of English and American Civil War history. In addition to being a devoted husband and father, Judge Crookham was a voracious reader with a remarkable memory. He was a master chef who was particularly fond of barbeque and his homemade chutney, which he affectionately

labeled: "Colonel Crookham's Chutney...it outranks Major Grey's." He loved to travel and did so extensively throughout the United States and, of course, England, when not seeking refuge in his Oregon coast vacation home.

Judge Crookham served this country with honor in World War II as a member of the US Army. He was stationed in Europe and earned the Bronze Star. In addition to being a JAG Officer, he remained involved in several military organizations throughout his life. Further, Judge Crookham participated in several civic, patriotic endeavors, including serving as Chairman of the Oregon Commission on the Bicentennial of the US Constitution and as Vice-Chairman of the American Revolution Bicentennial Commission of Oregon.

He had remarkable success as a trial judge but will perhaps be best remembered by attorneys who appeared before him as Presiding Judge, for his fully prepared pleading and summary judgment rulings, which were announced quickly and decisively while being respectful of



counsel and litigants, regardless of standing. "Often wrong but never in doubt!" he would declare with a wry, cherubic smile. His rulings were rarely successfully challenged.

Judge Crookham set by example the highest standard for professionalism while maintaining sensitivity, perspective and, of course, a keen sense of humor. His respect for the judicial office and the profession was apparent, and resulted in all attorneys 'raising their game' when appearing before him, regardless of the matter. Although Rule 4.0 hearings and Roman numerals may no longer be in use, his legacy and impact on Oregon law and the attorneys who practice today will long be remembered.

Mr. Whittemore was a clerk for Judge Crookham from 1978-1980.

Dazzling Them with Brilliance

By Jennifer K. Oetter, Hoffman Hart & Wagner and YLS Immediate Past President.

The MBA YLS recently received an Award of Achievement from the American Bar Association Young Lawyers Division. The award is given annually to a young lawyer local bar association to "recognize time, effort and skills expended by young lawyer organizations in implementing public service and bar service projects in their communities." The YLS was awarded first place in recognition of the strength, depth and variety of its programs.

The process began with a lengthy application, prepared by (then) board member Peter Leichtfuss, which highlighted each of the YLS committees and their projects. The completed application was considered by a panel of ABA YLD judges at the

ABA annual meeting. The YLS applied in the comprehensive category which judges the totality of the bar's activities and programs. Because of the size of the YLS, we were considered in the division of bar associations serving 2,000 members or more.

The judges considered: whether the programs were both service to the bar and service to the public; if they included lawyers with a variety of experience levels and afforded opportunities to new lawyers with limited time; the balance between new and continued programs; the success of the various programs and how success was measured; the strength of committee and board leadership; and the organization's creativity.

After lengthy consideration, the YLS was awarded first place in the category for voluntary bar associations of similar size. Second place was awarded to Dallas Association of Young Lawyers and Austin Young Lawyers Association received honorable mention.

The MBA continues to shine. The ABA YLD recently announced that they will be hosting their annual meeting in Portland during Spring 2006 - this is a wonderful honor and we look forward to doing what we can to help host the meeting. If you are not yet involved in the YLS, now is the time! If you need more information, call the MBA at 503.222.3275.

Peer to Peer Program

By Kristine Lambert, Shahri & Lambert and YLS Professional Development Committee chair.

There are book clubs... there are chat groups.... there are mentor programs, but what if there was something that combined all three and managed to provide value to you in your practice of law?

The YLS Professional Development Committee (PDC) is preparing to establish a *Peer to Peer* Program that will allow new and younger attorneys the opportunity to join small, specialized groups of their peers. The goals of the groups will be simple - to create a forum for individuals with similar interests to provide support to each other in the practice of law. These groups might cover topics such as a particular practice area, like a business litigation group, to ones based on particular interests or issues attorneys face, for example, working mothers or sole practitioners. The PDC is in the process of developing a questionnaire for new and younger lawyers to identify the types of groups they would be interested in joining. The PDC will then create small groups of six - ten attorneys paired by specific interests and/or topics and facilitate the group's start up.

Continue to look for updates regarding this new program.

YLS Thanks LexisNexis for its Continued Support

On November 18, LexisNexis sponsored the New Admittee Social for the newest members of the Bar at the Red Star Club Room in downtown Portland. In addition to its generous support of the event, LexisNexis provides new attorneys with significant discounts. For more information on the services that LexisNexis provides, please contact Katy Leitch at 503.579.9331.



Attorneys Julia Waco and Lara Gardner and Lara's daughter, Milla, at Mio Gelato

The MBA YLS hosted a drop-in social on October 12 at Mio Gelato in the Pearl District. Young attorneys, their families and friends mixed while sampling various gelato flavors and warming up with coffee drinks. Drop-in socials are among the activities that the YLS plans to increase personal and professional interaction among its members.



Volunteers Needed for Imprint Program

By Klarice Kolbe, Abbott & Prange and YLS Service to the Public Committee.

The YLS Service to the Public Committee is starting a new and exciting program this winter called the Imprint Program. This program brings together young lawyers with a class of middle school and/or high school age students. The lawyer volunteers are paired up with individual students in the class. Throughout the program, the students and volunteer lawyers read the same novel over a five to six week period. During this time, the students and lawyers develop a mentor/mentee relationship by exchanging letters discussing the novel and themselves on a weekly basis. At the end of the program, the students and lawyers meet one another at an informal luncheon to celebrate the completion of the program.

The purpose of the program is to give lawyers and students the opportunity to reach out to one another. Through the program, students improve their writing skills while developing a meaningful friendship with an adult they otherwise would not have met. The program gives volunteer attorneys the opportunity to make a difference in the students' lives by offering them support and someone who will listen to the issues affecting their lives.

This year, the committee has chosen an eighth grade class from Parkrose Middle School in Portland to participate in the program. The program will begin in February 2005 and will run through mid-March. If you are interested in participating in the Imprint Program, please contact Klarice Kolbe at kkolbe@abbottprange.com.

MBA YLS HOliDay Drop-in social & Toy Drive

wednesday, december 8, 2004

Alexander's at the Hilton
921 SW 6th Avenue, 16th Floor

5:30 - 7:30 p.m.

As part of its annual Holiday Social, the MBA YLS sponsors a Toy Drive. We greatly appreciate your participation! The toys collected in this toy drive are donated to the Toys for Tots organization. Please bring a new, unwrapped toy to the social on the 8th. You may also drop off toys before the 8th at the MBA office, located at 620 SW 5th Avenue, Suite 1220.

If you have questions regarding the Toy Drive, please contact Zach Fruchtengarten at 503.227.1515, or Maya Crawford at 503.224.4086.

From the Executive Director

By Judy A.C. Edwards, MBA Executive Director.

100th Anniversary Plans Underway

On February 3, 1906, a group of 40 local attorneys met to discuss the feasibility of organizing a Multnomah County Bar Association. From that small group's informal gathering, an organization of nearly 4,000 attorneys operates today. From the start, "spirited speeches were heard, whose authors emphatically declared that such an association should be strictly non-partisan and non-political." The tradition continues to this day.

Minutes of the subsequent meeting on February 10, 1906, tell us that a committee of seven was appointed to draft a constitution and bylaws. "Suggestions were then made to the committee by a number of gentlemen present, among who were Mr. Miller, who suggested that the regulation of fees should not be overlooked. . . Mr. Davis suggested that the lawyers who are a nuisance in the county should be done away with. . . Mr. M. G. Cohen desired that the Bar Association be elevated to the standard that it deserves. He further urged that the Association take up the matter of having a State Board of Law Examiners. He also said that a law should be passed by which no one who is not an attorney shall be eligible to appointment as notary public. Mr. Cohen further stated that a committee on entertainment should be provided for in the by-laws, and also one which should have charge of legislative matters."

On February 17, the bylaws were adopted and they state, "This association shall be known as the 'Multnomah Bar Association.'" The charter membership was closed with 57 names.

A Century of Service

To commemorate the MBA's first 100 years, a committee has been formed and a theme chosen, *A Century of Service*. The committee is planning a year-long observation with festivities, newspaper articles, *Multnomah Lawyer* feature stories, a publication commemorating the milestone and a gift to the community.

Michael Bloom, Bloom & Schuckman and MBA Board member is chair of the committee which meets monthly. Subcommittees are: Community Gift, chaired by Lynn Nagasako, Department of Justice; Events, Wally Sweek, Cosgrave Vergeer Kester and Julie Vacura, Larkins Vacura; Fundraising and Budget, Michael Greene, Rosenthal & Greene; Historic, Don Marmaduke, Tonkon Torp; and Publications and Communications, Lori Foleen, Lane Powell et al.

We are trying to identify association milestones; landmark law cases, both civil and criminal; interesting stories about lawyers and judges, serious and humorous; and notable historic events in our community and state. We also are in need of photos of any of these events and stories.

Does your firm have archives with interesting, serious, humorous, unusual stories or events related to lawyers, trends in law or information on MBA activities? If you do, please share them with me at 503.222.3275 or judy@mbabar.org. We especially want members' reminiscences about the MBA during the time they volunteered with the organization.

The MBA has very few materials for the years 1938-1977. If you have any contributions for these



years, we would very much appreciate receiving them. Thank you.

Happy Holidays!

It is the time of year to enjoy our family, friends and colleagues and reflect on all the ways they help us keep balance in our lives. Sylvia Stevens' article on the front page addresses the issue most eloquently.

It is especially right during the holidays to reflect on how we spend our time. In the rush of our daily work lives, it is too easy to get caught up in the whirlwind of daily demands because of its in-your-face nature.

As I look back at the last 30 years, four jobs and grown children, the memories that I cherish the most and the activities that have fed my inner spirit the best are all personal related, not career related. It is the personal nourishment of the soul that has proven to be key to my professional success and longevity, because this is what has inspired my work life.

Have a very happy holiday season and the happiest and healthiest New Year.

PRO BONO VOLUNTEERS

Thanks to the following lawyers, who recently donated their Pro Bono services via the Volunteer Lawyers Project, the Senior Law Project, Community Development Law Center, law firm clinics and the Oregon Law Center. To volunteer, please call Maya Crawford at 503.224.4086.

Patty Arjun	Linda Larkin
Bethany Bacci	Jan LaRue
Amanda Bailey	Elizabeth Lemoine
Richard Biggs	Peter Livingston
Andrew Bobzien	David Malcolm
Justin Boose	Tim McNeil
Brad Brown	Michael Millender
Laurie Cantelon	Lisa A. Miller
Paul Conable	Carl Neil
Jeff Condit	Robert Nelson
Craig Cowley	Warren Nickerson
Betty Crofoot	Patricia Oberdorfer
Sarah Crooks	Richard Oberdorfer
Barbara Diamond	Mike O'Brien
Lisa Eckstein	Erin Olson
Susan Egnor	Bruce Orr
Gary Enloe	Michael Petersen
Tim Felling	Randall Poff
Amy Fogel	Jill Schneider
Jon Fritzler	David Silverman
Greg Fullem	Richard Slottee
David Gannett	Ellyn Stier
Moloy Good	Sandra Stone
Ira Gottlieb	Scott Strahm
Amanda Hill Guldager	Peggy Toole
Mary Lou Haas	Cathy Travis
Bruce Hamlin	John Tujo
Heather Harriman	Evans Van Buren
Caroline Harris Crowne	Richard Vangelisti
Yi-Kang Hu	Bart Wachsteter
Shawn Jaquiss	Dennis Westlind
Jeff Jones	Robert Wilkinson
Sam Justice	Mark Williams
Scott Kocher	Terry Wright
Karen Knauerhase	

YLS News (Cont. from p. 10)

Tales from the Trenches

Tales from the Trenches is a recurring feature, in which young lawyers share their "war stories." The authors remain anonymous.

I'll never forget William Perry. I've never met the guy, but I will never forget him. As a brand new attorney with the firm, you don't get to meet very many clients, let alone the opposition. All you see is the name on the page.

I was asked to write the Response Brief to Mr. Perry's Motion for Summary Judgment. It wasn't my first summary judgment brief. So I knew enough to be dangerous, but not enough to be competent. Yet I had been given the responsibility to prepare and send the brief.

With my trusty *Blue Book* by my side, legal research in front of me, and memories of legal writing class still fresh, I set forth to do battle with Mr. Perry. I read the deposition transcripts. I reviewed the documents. I learned the law. I even created a Table of Authorities for the poor over-worked judicial clerk.

I mailed the brief to the court on the 21st. It was signed. It was sealed. It was delivered two days late. The brief was due on the 21st. Despite what you learn about the "mailbox rule" in law school, simply mailing a brief on the 21st is not good enough. When it's due it's due for filing in the court, on that exact date.

The brief was struck from the record. The motion was granted. Our client lost, not just on the merits, but on the failure of its attorneys to simply follow the most basic of rules. We'll never know whether our client would have still lost on the merits, if I had simply followed the rules.

I'll never forget William Perry. He made me face what it means to truly practice law. He made me step outside the assumptions and theory of the practice of law learned in law school. Someday, I'd like to meet him.

The Corner Office

I'm generally a nice guy. However, there are times when a client is involved in a bitter dispute and directs me not to cooperate with opposing counsel on even the most minor things. Can I make decisions against my client's wishes?

Probably not if you want to keep the client. However, many attorneys forget that the attorney-client relationship is a two-way street. You have to agree to be retained and voluntarily (in most cases) agree to remain in the client's employ. In other words, you can't choose your family, but you can choose your client.

The law uses an outcome determinative test: if it prejudices your client's case, it is the client's decision. See DR 7-101(A)(1). I think we would all agree that the decision to reschedule a deposition rarely, if ever, would fall under the auspices of DR 7-101(A)(1). Thus, whether to agree to a reasonable request to

set over a deposition is usually the attorney's decision. If the attorney does not acquiesce to the request, he is being unprofessional at the expense of pleasing the client. The tail is wagging the dog.

Such an approach undermines the profession. It makes the attorney no better than the bitter, vengeful client. It is the attorney's duty to step above the fray and handle each matter with respect for opposing counsel and the profession. This is true even if opposing counsel does not "deserve" it. Being professional demands that you do not sink to the other side's level.

Counsel in many large urban areas have lost sight of this and have become legal pit bulls paid to rip the opponent to shreds at all costs. Fortunately, the legal profession in Oregon has not succumbed to this temptation. Let's keep it that way.

In short, it is up to you to dictate how the litigation is going to be handled. If the client does not like it, fire him. Not an easy decision, but one that will lead to a better night's sleep. Now, about the in-laws. . . .

The Corner Office is a recurring feature of the Multnomah Lawyer and is intended to promote the discussion of professionalism taking place among lawyers in our community and elsewhere. While The Corner Office cannot promise to answer every question submitted, its intent is to respond to questions that raise interesting professionalism concerns and issues. Please send your questions to mba@mbabar.org and indicate that you would like The Corner Office to answer our question. Questions may be submitted anonymously.

Making the Most of MBA Membership

As we approach the end of the year, MBA members are asked to renew their membership for 2005. We would like to encourage our members to take advantage of all the benefits of membership available as we enter the new year.

In addition to continuing education, networking opportunities, social events, informational resources and community services, the MBA currently offers eight professional services through partnerships with various businesses. Those services and the contact person for each are described on this page, and MBA members are encouraged to take advantage

of them. Many of you are existing customers of these businesses, but may not be aware of the discounts or added services you are entitled to as an MBA member.

We would also like to invite you to tell us how to do a better job. Call us anytime at 503.222.3275 or email us if you have ideas for new member services, suggestions for improving existing services, or if there is anything we can do to assist you in your practice. As a voluntary association, we know that you do not have to be a member, and we encourage you to tell us how to improve in 2005.

MBA Affinity Partnership Summary

Several companies offer MBA members discounts and benefits on the services they provide. The following is a summary of the member benefits from each affinity partner, as well as a contact at each company.

AT&T Wireless

5% discount on of all new calling plan agreements. Variable discounts on equipment. Contact Jaime Robertson of AT&T at 503.880.9169.

Fifth Avenue Suites and Vintage Plaza Hotels

Discounts on meeting room space and on hotel rooms. Contact Melissa Westacott at 503.417.3377.

Legal Northwest Staffing Specialists

Discounts on placement fees and a quality of service guarantee. Call Anneke Haslett at 503.242.2514.

LexisNexis

Discounts on a wide range LexisNexis services. For more information, call Katy Leitch at 503.579.9331.

MBA MasterCard from MBNA

A low annual percentage rate, and a range of optional services including purchase protection, travel agency services and more. A percentage of all purchases supports the volunteer lawyers project. Contact MBNA at 1.800.523.7666.

Northwest Employee Benefits and the MBA Health Plan

The MBA offers eight member-negotiated, customized health plans for members, their staff and dependants. For more information, contact Steve Doty of NW Employee Benefits at 503.284.1331.

Naegeli Reporting Corporation

MBA members receive a 15% for court reporting appearance fees, videographer appearance fees and videoconferencing hourly room rates, as well as a 24¢ per page

discount off on original transcripts. For more information call Naegeli Reporting Corporation at 503.227.1544.

Wells Fargo

MBA members have access to a wide range of discounted and premier services for law firms, attorneys and non-attorney staff. To learn more, call Michael Giavanti at 503.886.1446.

Are you using
the MBA's medical
plans for your
law firm?

If not, take a look...

For information contact:

503-284-1331 1-800-284-1331
www.nwebi.com



- ▲ **Law firms of all sizes are eligible to enroll** from solo practitioners to large law firms.
- ▲ **Maximizes employee satisfaction** by allowing each employee to select a plan from a menu of **9** different plans including 2 PPO plans.
- ▲ **Easy administration.** The law firm receives **one** bill and makes out **one** check for the premium, regardless of the number of different plans employees select.
- ▲ **No health statements** to complete.
- ▲ **New HSA Plan** qualifies for Health Savings Account.
- ▲ **Cannot be turned down for coverage** regardless of health status.
- ▲ **No limitation for pre-existing conditions** when transferring from other coverage.
- ▲ **Dental and vision benefits** can be added to any of the medical plans.
- ▲ **Discounted fees** for Section 125 flexible spending accounts.

Open Enrollment months are March and September of each year. New MBA members can enroll themselves and employees within 30 days of joining the MBA.

Limitations for Employment Claims

Fink v. Guardsmark, LLC

By Elizabeth A. Semler, Sussman Shank et al.

The US District Court, District of Oregon, recently issued a decision which is very favorable for employers. The court ruled that employers may contractually limit the time for filing statutory or common law employment actions, and that the Oregon Family Leave Act (OFLA) does not provide employees with a claim for relief for retaliation based on an employee's invocation of the right to take OFLA leave.

In *Fink v. Guardsmark, LLC*, 2004 US Dist. LEXIS 16970 (D.Or. 2004), the employee, a security guard, signed an employment agreement which provided that any action by the employee against her employer (Guardsmark) arising from her employment must be brought within six months of the date the cause of action arose or it will be time-barred. The employment agreement specified, however, that claims filed with the Equal Employment Opportunity Commission (EEOC) or arising under any statutes enforced by the EEOC are expressly excepted from the statute of limitations provision.

Eight months after she was hired, the employee took medical leave. The employee returned from medical leave with lifting and standing restrictions. The employee alleged that, despite calls from her doctor and repeated requests, Guardsmark failed to provide light duty work to comply with the lifting and standing restrictions. The employee quit. Thereafter, she sued Guardsmark for wrongful constructive discharge and violation of both the Oregon and federal Family Medical Leave Acts.

Guardsmark filed a motion for summary judgment on statute of limitations grounds. Guardsmark argued that the six-month limitations period in the employment agreement barred the employee's claims. In response, the employee raised various defenses including: unclean hands, lack of consideration, equitable estoppel

and unconscionability. The District Court acknowledged that the issue of whether parties could agree to limit the time for filing a statutory or common law employment action had not been addressed by the Oregon appellate courts. The District Court also recognized, however, that there was no authority to suggest that the Oregon Supreme Court would not extend the general rule permitting parties to stipulate to reasonable contractual statutes of limitation to employment claims. Accordingly, the District Court rejected the employee's defenses and concluded that Guardsmark could enforce the six-month contractual limitations period in the employment agreement.

The District Court also granted Guardsmark's Motion for Summary Judgment on the employee's OFLA claim (the employee conceded she could not prevail on her FMLA claim). The employee had alleged that Guardsmark retaliated against her for taking medical leave by creating a hostile work environment. The District Court determined that OFLA does not provide an employee with a claim for relief for retaliation based on an employee's invocation of the right to take OFLA leave. Instead, the only claim for relief authorized by the Oregon Legislature under OFLA arises from an employer's denial of an employee's leave request.

Based on the District Court's decision, employers should consider including a reasonable limitations period for common law employment claims in employment agreements. Employers should also carefully evaluate employee claims for retaliation in the context of medical leave, as claims which seek damages for post-medical leave retaliation are not viable under OFLA.

Elizabeth A. Semler is an attorney in the employment law department of Sussman Shank. She can be reached at 503.227.1111 or lizs@sussmanshank.com.

Why Advertise with the MBA?

The *Multnomah Lawyer* is the official publication and newsletter of the Multnomah Bar Association (MBA) and is a timely and well-read source of information for the entire Portland metropolitan region legal community. Nearly 75% of the lawyers in the metro area are members of the MBA. Our membership includes several hundred suburban lawyers and some Willamette Valley lawyers as well. All new lawyers in Oregon are offered a first-year, free membership in the MBA, which includes a complimentary subscription to the *Multnomah Lawyer*. For more information, please visit www.mbar.org.

Circulation

The newsletter has a circulation of more than 4,000 lawyers, judges and other legal professionals in the Multnomah, Clackamas, Washington and Clark counties.

Interested in Writing Articles?

The MBA is looking for writers and article ideas for the newsletter. If you are interested and/or have an idea for a story, please call or email Judy Edwards, Executive Director, 503.222.3275 or judy@mbabar.org. Members tell us that they especially enjoy reading profiles of members, analyses of trends in law, tips on points of law and essays on issues in the profession. We also invite letters to the Editor.



WE CAN HELP YOU GET YOUR CLIENTS OVER THOSE INEVITABLE LITTLE BUMPS ON THE ROAD TO RECOVERY.

To a person working toward recovery, every little bump, twist, turn or rough spot in the journey can seem insurmountable. They look to you for support and guidance. That's where Hazelden Springbrook can help. Hazelden Springbrook offers professionals easy access to a world of adult residential and outpatient chemical dependency services, research, books, videos, pamphlets and education. Proven tools that can help you better ease your clients down the road. Call us at 503-537-7000 or toll-free 800-333-3712 or www.hazelden.org/springbrook. Hazelden Springbrook. We can help. It's what we do.

 **HAZELDEN**
Springbrook
Residential Services in Newberg, Oregon
Outpatient Services in Tigard, Oregon

CLASSIFIEDS

space

DOWNTOWN PORTLAND MORGAN BUILDING

Four window offices available in well appointed suite with four existing attorneys. Congenial atmosphere. Share receptionist, conference room, copier, fax and kitchen. Space for secretary/legal assistant. Walking distance to courthouse. Call David at 503.295.3025.

DOWNTOWN PORTLAND

Law firm in Historic Jackson Tower Building has furnished office and secretarial space available November 1, 2004. Large conference room, copier, fax and postage meter available. Recently remodeled, first class office suite in the heart of downtown. \$1,500 per month. Call Kristina 503.419.4510.

OREGON CITY

One office in three-lawyer office building. Close to elevator and courthouse. Off-street parking. Share copier, fax, law library, conference room, lunchroom; space for secretary/legal assistant. Call John Henry 503.656.0355.

DOWNTOWN PORTLAND-AMERICAN BANK BUILDING

Two offices – conference room, kitchen, phone (separate lines), fax, DSL; on MAX line; call Barbara or Haley at 503.224.8654.

DOWNTOWN PORTLAND-ONE OFFICE-CLASS A SPACE-RIVER VIEW

Congenial eight-attorney suite near state and federal courthouses. Includes shared receptionist, kitchen, conference room, copier, fax and long distance at cost. Secretarial service and parking potentially available, phone equipment and voice mail included. Office approximate size 9-1/2 x 15. Access to computer, email through server are potentially available. Contact Nancy Bragg 503.224.3100. New reduced rates.

JOHNS LANDING

One large (180 sq. ft) window office without any amenities, \$450 per month. For \$535 per month, the following would be included: DSL connection, receptionist to greet clients and answer telephones, conference room, law library and client parking. Kitchen and fax would be included at pro-rata cost. Call Dave or Lois at 503.222.4900.

OFFICE SPACE

One office, rent \$1100/month includes large office, receptionist, two phone lines, fax, DSL, and use of common

space. Downtown location, Class A. Call Lane Borg, 503.224.2595.

DOWNTOWN PORTLAND
\$500 per month. 11' x 13' office with huge window in a well appointed suite w/four civil practitioners. Five blocks to courthouse. 522 SW 5th Ave Ste 812. Call Amy, 503.228.7569.

positions Available

CORPORATE COUNSEL
Qualified person needed to do transactional legal work for US Bank's subsidiary in Tigard that finances equipment acquisitions for middle-market businesses across the country. Position requires excellent communication and organizational skills, the abilities to offer practical solutions to legal issues and to be a team-player in a fast-paced environment, a strong customer-service orientation, and careful attention to detail and accuracy.

Member of the Oregon State Bar, with a background in commercial lending and/or leasing (especially of personal property) and at least two years' experience in legal practice, preferred. Excellent benefits. Send resume and cover letter to: US Bancorp Equipment Finance, Inc., Legal Department, 13010 SW 68th Parkway, Portland OR 97223. No phone calls, please. Pre-employment drug-testing and background check required. US Bancorp and its subsidiaries are Equal Opportunity Employers.

MILLER NASH LLP
Southwest Washington is growing, and the Vancouver office of Miller Nash is looking for someone to grow with us. We are seeking a business attorney with at least five years of experience; estate planning experience is a plus. Applicants must be committed to community involvement and aspire to develop the many growth opportunities that surround us.

We provide a collegial atmosphere with a sophisticated Pacific Northwest practice. Miller Nash is one of the Pacific Northwest's largest multiservice law firms, serving clients locally and throughout the world from its offices in Seattle and Vancouver, Washington, and Portland, Oregon. Established in Oregon in 1873, the firm represents clients in nearly every industry.

Please send your cover letter, resume, transcript, and writing sample, in confidence to: Katie McCoy, Director of Legal Recruitment, Miller Nash LLP, katie.mccoy@millernash.com or 503.224.5858. Visit us on the Web at www.millernash.com. EOE.

MID SIZE AV-RATED
Downtown Portland law firm is looking for an associate with two-five years' experience in litigation who graduated in the top 25% of their class. Please send resumes to Office Manager, Martin, Bischoff, Templeton, Langslet & Hoffman, LLP, 888 SW 5th Ave Ste 900, Portland OR 97204.

services

ATTENTION, OVERWORKING ATTORNEYS
Contract attorney drafts pleadings, motions, responses, legal research, trial prep. +15 years' experience, over 600 projects fed and state. Excellent references. Katherine Foldes, 503.641.7010.

CONTRACT ATTORNEY
Seventeen years' civil litigation experience. Research, pleadings, motions and trial prep. Portland area office. PLF insured. Lisa Day 503.722.9040.

Miscellaneous

FOR SALE – THREE SETS OF LAW BOOKS
West's Oregon Rev. Sta. Ann. 47 vol. Oregon Dig. 2d 44 vol. 2004 parts. Ore Repts. thru vol. 249 and Ore. Cases 855 P2d thru P.3rd. vol. 73. D.L. Alderton, 503.253.5666.



Paralegals
Legal Secretaries
Receptionists
Project Assistants
File Clerks

TEMPORARY & PERMANENT PLACEMENT
LEGAL NORTHWEST

STAFFING SPECIALISTS

Tel 503-242-2514
Fax 503-274-7895
www.legalnw.com
333 SW 5th Ave, STE 250
Portland, Oregon 97204

OVER 300 LAW FIRMS RELY ON US
STAFFING PARTNER TO THE



MULTNOMAH BAR ASSOCIATION
1906

TSONGAS LITIGATION CONSULTING INC.
STRATEGIC PARTNERS IN TRIAL PREPARATION

Providing a Competitive Advantage to Attorneys Since 1978

STRATEGY · RESEARCH · GRAPHICS

- Case Strategy
- Witness Preparation
- Pre-Trial Research
- Credibility Assessment Survey
- Case Evaluation

- Litigation Graphics
- Mock Trial Research
- Jury Selection
- Pre-Trial Case Interviews
- CLE Programs

Portland, Oregon, Telephone: (503) 225-0321 Fax: (503) 225-0382
Seattle, Washington, Telephone: (206) 382-2121 Fax: (206) 224-3705
Toll Free: (888) 452-8019
info@tsongas.com www.tsongas.com

Northwest Business Plans

Startups, mergers & acquisitions
Brokered Financing

Thomas Toothacker CPA, MBA

Cell 503.421.6710

www.northwestbusinessplans.com

RICHARD G. SPIER
ARBITRATOR & MEDIATOR

Highly experienced,
full-time neutral

Business & commercial;
personal injury; employment;
real estate & construction

Effective mediator of
large, complex and
difficult cases

503-284-2511
Fax 503-284-2519

rspier@spier-mediate.com

K. William Gibson
Arbitration/Mediation Statewide



When you need someone to get to your office fast
...no matter where you are in the Northwest.

Available for single arbitrator court cases or panels.
Personal injury, insurance disputes, contract
disputes, employment and business disputes.

Tel. 503-659-6187 Email bgibson@cnnw.net

**FOR PERSONAL
INJURY & DEATH
CASE REFERRALS.**

When you refer a case to another attorney, you want to know your client will receive outstanding representation. Attorneys have been referring personal injury cases to Don Corson for almost 20 years because of his legal knowledge and abilities. Don welcomes continued referrals and associations with Portland area attorneys.

**THE
DON CORSON
LAW FIRM**

P. O. Box 527 975 Oak Street, Suite 1010 Eugene, Oregon 97440
Phone: 541-484-2525 DCorson@DonCorsonLaw.com

WWW.DONCORSONLAW.COM

Former OTLA President | Fellow of the American College of Trial Lawyers
The Best Lawyers in America® | MartindaleHubbell's highest "AV" rating.

Stahancyk, Gearing, Rackner & Kent
is in Vancouver too!

*SGRe3K is proud to announce the opening
of its Vancouver office with
Vancouver attorney Teresa Foster
as its managing attorney at law.*

Phone (360) 750-9115
Fax (360) 750-7453
400 West 11th Street
Vancouver, WA 98660
Teresa@stahancyk.com
www.washington-divorce.com



Visit www.charlesbrownhouse.com and
follow the renovation of our historic Vancouver office.

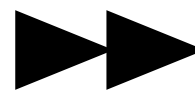


CVK is pleased to announce that
Amity L. Clausen and
Nicholas E. Wheeler

have joined the law firm as
litigation associates. Both of their
practices focus on civil litigation,
with emphasis in the defense of
personal injury, commercial,
contractual, and
professional liability cases.



SERVICE. SOLUTIONS. SUCCESS.



move on

Life is too short to be at odds. After 20 years of litigation,
plus service as a pro tem judge, arbitrator and mediator,
I can help achieve resolutions quickly and economically.
Intellectual rigor, creativity and hard work to move your
clients forward. Call today for information or to schedule.

mikez@evanszusman.com 503.241.5550
5331 SW Macadam Avenue, Suite 299, Portland, OR 97239

One-stop resource.

Placing temporary and full-time employees with
clients in the legal, business and IT fields.

Staffing Solutions is a complete, one-stop resource for clients needing temporary and full-time employees and applicants looking for a perfect assignment to match their skills. We provide services to both applicants and clients to maintain a high standard of performance and professionalism. Headquartered in Portland and locally owned, we have grown to be one of the most respected and best known staffing leaders in the legal, business and IT fields. Staffing Solutions is WBE certified in the State of Oregon.

Legal

- Attorney
- Manager/Administrator
- Paralegal
- Legal Secretary
- Help Desk & Software Trainer
- Office Support

Business Services

- Office Manager
- Administrative Assistant
- Secretary
- Word Processing Operator
- Data Entry Clerk
- Records Specialist
- Receptionist
- Accounting Clerk
- Human Resources Clerk
- Customer Service Clerk

Information Technology

- PC & Desktop Support
- Networking & Systems Specialist
- Database Development
- Applications Development
- Software Engineer
- Software QA
- Website Design

STAFFING SOLUTIONS



Staffing Solutions, LLC / K-Counsel®
www.staffingsolutionsllc.com

610 SW Broadway, Suite 500 • Portland, OR 97205 • T: 503.295.9948 • F: 503.295.9977 • E: admin@staffingsolutionsllc.com

KNOLL MEDIATION

Mediation & Arbitration

- Experience
- Integrity
- Solutions

James L. Knoll, P.C.

ATTORNEY AT LAW

503.222.9000

1500 SW Taylor Street • Portland, OR 97205
fax 503.222.9003 e-mail jim@knollmediation.com
www.knollmediation.com

2005 MBA Professionalism Award

The MBA Professionalism Committee invites nominations of members for the MBA's award "for the highest ethical standards and exemplary conduct in the practice of law and for making the practice of law more enjoyable."

Eligibility

- Any MBA practicing attorney member, except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award. Former nominees may be re-nominated.
- The recipient should exemplify, not simply meet, the standards in the MBA Professionalism Statement.

- The award is intended to recognize and honor personal and professional qualities, reputation and conduct.
- The recipient should be a role model for other attorneys, particularly younger MBA members.
- An appreciation of diversity in the nomination and selection processes is important.

Nominations are due Monday, January 3. Please look for the nomination form inside this issue and at www.mbar.org.

Introducing Oregon Annotated Statutes...

Take the search out of your research
with LexisNexis® Oregon Annotated Statutes.

Welcome to research that requires less searching: the new Oregon Annotated Statutes on the LexisNexis Total Research System.



Spend more time analyzing information, and less time looking for it with *LexisNexis Oregon Annotated Statutes*. The advanced classification system of Lexis® Search Advisor eliminates searching by trial and error, taking you straight to the annotations that you are looking for. Not only are our annotations the most current online, they reflect the on-point expertise of our staff of attorney editors. To locate related sources in one click, use the embedded links that take you quickly to relevant treatises and journals like the *Oregon Law Review*. For more effective research without the big search, use Oregon Annotated Statutes on the LexisNexis® Total Research System —It's how you know.

For more information or to order the new Oregon Annotated Statutes from LexisNexis, call your Oregon account representative at 877.810.5324.

A MEMBER BENEFIT OF



LexisNexis®

It's how you know™