



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION
1906

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community. July/August 2007 Volume 53, Number 7



President's Column

By Thom Brown, MBA President.

Since I'm an appellate lawyer, I write a lot. But I always know – at least generally – what I'm writing about since there have already been trial court proceedings. This column is different, though. It's up to me to decide what to write and I don't have any help from an existing trial court record. So, to be honest, I'm a little nervous. But, here goes.

I'm very honored and excited about the chance to lead the MBA over the next year and continue working with the talented and committed MBA staff and the MBA's many volunteers, particularly the members of the board and the YLS Board. It is an excellent organization committed at all levels to serving its mission of "justice, service, professionalism, education and leadership for our members and the community." I'm particularly excited about my year as president, since I have the additional honor of following two of my partners in that role, Randall Kester (1956-57) and Wally Sweek (1988-89). More about that a little later.

Peter Glade, last year's president, outlined in his June column how much the MBA accomplished during his term and what was yet to be done. Peter worked extremely hard and, under his leadership, the MBA accomplished a great deal. He deserves all of our thanks. And, to be sure, the MBA will continue to actively pursue adequate judicial branch funding and a new courthouse in Multnomah County. Both projects are critically important, I think, and will require a lot of effort from all members of the MBA Board and, indeed, all of you. Please help when called upon with your time, money, or both.

The board will also be focusing on a few other things this coming year, along with the significant task of just overseeing all the many things the organization does every year – CourtCare, funding for Legal Aid Service of Oregon, its extensive committee system and member services programs, and its public outreach initiatives, just to name a few. The board will also be focusing – and, indeed, began to focus at its annual retreat that was held on June 15 and 16, – on: (1) ensuring that each board member (and each YLS Board member) and the board (and the YLS Board) as a group best serves you, the MBA's members; (2) continuation of the work done by the Bridging The Gap Task Force on intergenerational issues facing law firms and law practices, generally; (3) participating actively in the "future trends" projects being undertaken by the OSB to examine both the future of our profession and our courts; and (4) ensuring judicial independence. The last three projects are particularly of interest to me and I hope that significant things can be accomplished over the upcoming year on each of them.

So, back to Randall Kester and Wally Sweek. What issues and concerns did each one of them face as president? Well, in 1956, the MBA was fully engaged in public outreach, hosting at least four public legal forums on a wide variety of subjects and having its own radio program on KGW called "What's the Law" that, by December 1956, had already involved 250 broadcasts covering a wide range of topics. In 1988, some of the issues we are still facing dominated the MBA – balancing career and motherhood, parental leave, arbitration and alternative dispute resolution initiatives in Multnomah County, technology, professionalism,

lawyer satisfaction problems, indigent defense funding, and pro bono services, again, just to name a few. Interestingly, so it seems, things haven't changed a great deal from 1956 or 1988, at least in some ways.

Well, I've got 10 more of these columns to do, so I better stop before I use all of my best stuff. If you are not already actively involved in the MBA, think seriously about becoming involved. That goes for "younger lawyers," too, because there is tremendous opportunity through the YLS, whose board this year will be led by David Bean. Volunteerism is the heart of the MBA and critical to its success. So, please get involved. You'll find it rewarding, I'm sure. If you need any help finding a role, don't hesitate to give me a call at 503.323.9000.

101st Annual Meeting and Spring Social

Over 300 lawyers, judges and sponsors gathered at the 101st Annual Meeting and Spring Social. Long-standing affinity partners, Legal Northwest Staffing Specialists, LexisNexis, The Naegeli Reporting Corporation and Northwest Employee Benefits were recognized for their continued support.

The event was generously sponsored by

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Outgoing President Peter Glade passes gavel to incoming President Thom Brown



Peter Glade, flanked by wine sponsors – Susan Quattrochi and Kathleen Lewis from Umpqua Bank and Alisa Baker and Brett Hoffstetter from LexisNexis

MBA CLE

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

October

Wednesday, October 3
Annual Evidence Update
Judge Henry Kantor
Rick Pope
Renee Rothauge

Thursday, October 4
Child Abuse Reporting Requirements
Helen Hirschbiel

Thursday, October 18
Cross Examination
George Kirklin
David Markowitz

Tuesday, October 23
Annual Ethics Update
Mark Fucile

Wednesday, October 24
Business Acquisitions
John McGuigan

Tuesday, October 30
Mandatory Arbitration Training

Multnomah Bar Association Awards Luncheon

Wednesday, September 19

The Governor Hotel
614 SW 11th Avenue

Celebrating the profession & recognizing our colleagues

Professionalism Award Recipient
Carl R. Neil

Other honorees will include the MBA and YLS Award of Merit and Pro Bono Award recipients.

Please mark your calendar!

Invitations are being mailed separately.

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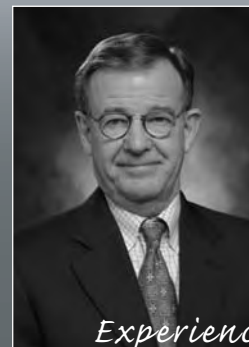
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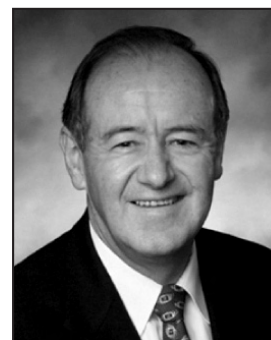
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CALENDAR

For a complete MBA calendar, please visit www.mbabar.org.

July

- 4**
Wednesday, Independence Day
Holiday – MBA office closed
- 12**
Thursday, YLS Drop-in Social at
Jax rooftop, 5:30-7 p.m.
- 19**
Thursday, MBA Golf Tournament
at OGA Course at Tukwila
Visit www.mbabar.org for details.
- 26**
Thursday, OMLA Summer Social
and Fundraiser at WTC
Visit www.omla.homestead.com
for details.

August

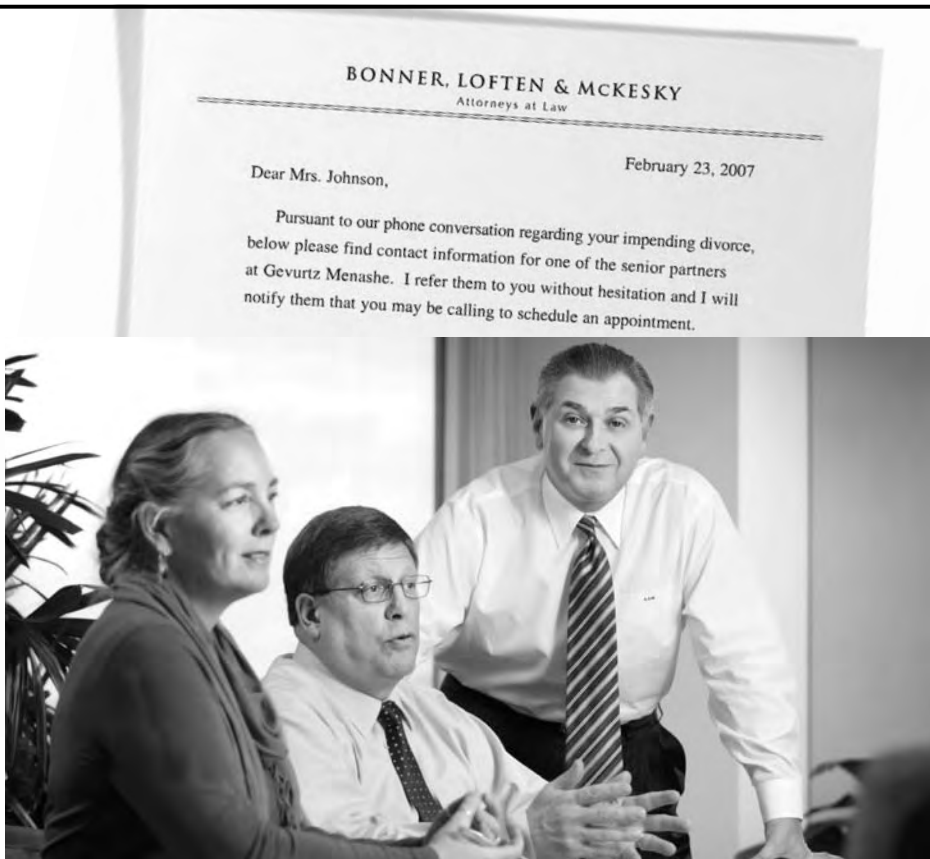
- 7**
Tuesday, MBA Board meeting
- 10**
Friday, September *Multnomah*
Lawyer deadline
- 14**
Tuesday, MBA Golf
Championship at Pumpkin
Ridge
Visit www.mbabar.org for details.
- 22**
Wednesday, Multnomah Bar
Foundation Board meeting

September

- 3**
Monday, Labor Day - MBA
office closed
- 4**
Tuesday, MBA Board meeting
- 10**
Monday, October *Multnomah*
Lawyer deadline
- 11**
Tuesday, YLS Board meeting
- Tuesday, MBA Golf Tournament
at Riverside Golf Club**
Visit www.mbabar.org for details.
- 18**
Tuesday, YLS Real Estate CLE
Series begins at Standard
See insert or register at
www.mbabar.org.
- 19**
Wednesday, MBA Awards
Luncheon at The Governor Hotel
See p.1 for details.

October

- 3**
Wednesday, MBA CLE – Annual
Evidence Update
See insert or register at
www.mbabar.org.
- 4**
Thursday, MBA CLE – Child
Abuse Reporting Requirements
See insert or register at
www.mbabar.org.



BONNER, LOFTEN & MCKESKY
Attorneys at Law

February 23, 2007

Dear Mrs. Johnson,

Pursuant to our phone conversation regarding your impending divorce, below please find contact information for one of the senior partners at Gevurtz Menashe. I refer them to you without hesitation and I will notify them that you may be calling to schedule an appointment.

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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

What's the Issue? New OSB Ethics Opinion on Issue Conflicts



Imagine this scenario: You are a land use lawyer. A nearby city has adopted a controversial new noise ordinance that appears to have many ambiguities. You have two clients who operate major businesses in that city: one is a company that builds and tests pile-drivers and another is a clinic that assists the chronically sleep deprived. The two businesses are not near each other, but both are planning expansions which will require permit approvals by the city council that will touch on the new ordinance. Your pile-driver client needs a generous decibel count under the ordinance to conduct its quality testing. Your sleep clinic client needs a quiet environment because its patients stay overnight so that clinic doctors can monitor their sleep patterns. Coincidentally, you are scheduled to present their permit requests to the city council on the same day, back-to-back. As you are driving to the hearings, you recall that under the "old rules" there was something called an "issue conflict" and wonder what the standards are now under the new Rules of Professional Conduct.

The OSB issued a new ethics opinion earlier this year that takes a comprehensive look at issue conflicts under the new rules. The opinion, 2007-177, looks at both what issue conflicts are and what they are not. In doing so, it draws on both the new Oregon RPCs and helpful interpretative guides from the ABA Model Rules and their accompanying comments from which the Oregon rules are now patterned. 2007-177 is available at www.osbar.org. Like the opinion, this column looks at both what issue conflicts are and what they are not.

What Issue Conflicts Are. Under the former Oregon DRs, issue conflicts were treated as a separate category of conflicts. Former DR 5-105(A)(3) found that issue conflicts only occurred in a relatively narrow setting: "[When a lawyer takes conflicting legal positions for different clients in separate cases and the] lawyer actually knows that the assertion of the conflicting positions and also actually knows that an outcome favorable to one client in one case will adversely affect the client in another case[.]" Again under former DR 5-105(A)(3), conflicts of this kind could be waived by the clients involved.

Like the ABA Model Rules on which they are based, the new Oregon RPCs do not include a specific rule on issue conflicts.

Rather, in both, issue conflicts are treated as a subset of the general rule on current, multiple client conflicts: RPC 1.7. Under RPC 1.7, current client conflicts exist if: "(1) the representation of one client will be directly adverse to another client; [or] (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer[.]"

Unlike the ABA Model Rules, however, Oregon did not adopt the accompanying comments as have many other states. ABA Model Rule 1.7 includes a specific comment (Comment 24) addressing issue conflicts:

"Ordinarily a lawyer may take inconsistent legal positions in different tribunals at different times on behalf of different clients. The mere fact that advocating a legal position on behalf of one client might create precedent adverse to the interests of a client represented by the lawyer in an unrelated matter does not create a conflict of interest. A conflict of interest exists, however, if there is a significant risk that the lawyer's action on behalf of one client will materially limit the lawyer's effectiveness in representing another client in a different case.... If there is significant risk of material limitation, then absent informed consent of the affected clients, the lawyer must refuse one of the representations or withdraw from one or both matters."

The new Oregon ethics opinion essentially fills the gap left when we moved from the old rules to the new but did not also adopt the comments. In doing so, 2007-177 takes an approach that is very similar to both the old rule and the current ABA comment. It defines an issue conflict in very narrow terms:

"The critical question is whether the outcome in Client A's matter will or is highly likely to affect the outcome of Client B's matter. This test would be met if, for example, one case is pending on appeal before the Oregon Supreme Court or the Oregon Court of Appeals and the other case is pending at the trial court level and will necessarily be controlled by the forthcoming decision."

Again like both the old rule and the current ABA comment, 2007-177 also finds that most (but not all) issue conflicts are waivable.

ANNOUNCEMENTS

MBA Seeks Volunteer Stories

Do you know an attorney who volunteers her/his time for a local nonprofit? The MBA is seeking stories about members who serve our community. We would like to feature these individuals in upcoming issues of the *Multnomah Lawyer*.

Please contact Judy Edwards at judy@mbabar.org with your ideas and article submissions.

Group Health Plan Open Enrollment in September

September is Open Enrollment month for the MBA's Group Health Insurance Plan. Existing plan subscribers can make changes to their plan, and MBA members who are not on the plan can enroll. The MBA's plan has three major medical providers and eight plans to choose from. Law firms of any size are eligible to enroll. Watch for detailed information the September *Multnomah Lawyer*. In the meantime, all plan administrator Steve Doty of Northwest Employee Benefits at 503.284.1331 with questions.

Oregon Lawyers Against Hunger (OLAH)

OLAH launches its 11th annual fundraiser to benefit the Oregon Food Bank (OFB) on September 24. OLAH hopes to exceed the \$1 million mark for total fundraising. For more information, contact Tim Calderbank at 503.499.4642. For information about the OFB, visit www.oregonfoodbank.org.

What Issue Conflicts Are Not.

2007-177 also outlines when issue conflicts do not exist:

"[Issue conflicts do not exist] every time there are two cases pending at the trial court level in different counties or judicial districts. Whether [they exist]...when, for example, two cases are simultaneously pending before two different trial court judges in the same county or judicial district will depend on what the lawyer reasonably knows or should know about the likelihood that one case will affect the other under the circumstances in question. For example, the outcome may depend in part on whether the issue is likely to be dispositive in one or both cases or constitutes only a remote fallback position."

MBA Bike Rides

MBA noontime bike rides - short fast rides with hills. Meet at SW Yamhill and Broadway between noon and 12:10 p.m. on Mondays and Thursdays. Contact Ray Thomas 503.228.5222 with questions, or meet at the start.

Federal Judge to Speak Following Documentary

The Hon. Thelton Henderson, US District Court Senior Judge, Northern District of California, will be in Portland on August 6 to speak and answer questions following the screening of his documentary film, *Soul of Justice*. The film is free and will be shown during lunch in the jury assembly room of the Hatfield Courthouse.

In this inspiring film, Abby Ginzberg, a lawyer and award winning producer of documentary films, has captured the highlights of Judge Henderson's life, from his humble beginnings in Watts to his still active career on the bench.

Anyone interested in meeting and talking with a front-line civil rights attorney should not miss this event.

National Legal Fiction Writing Competition for Lawyers

SEAK, Inc., founded in 1980 to provide training, seminars and publications for attorneys, physicians and other professionals, is sponsoring a legal fiction writing competition for lawyers. A short story or novel

excerpt in the legal fiction genre, typed and not to exceed 2500 words, may be submitted on or before September 7, to SEAK, Inc., Legal Fiction Competition, Attn: Steven Babitsky, President, PO Box 729, Falmouth, MA 02541. Do not send by certified mail.

The competition is open to any licensed attorney in the US and its territories. The attorney's name, address, phone number and email address should be contained in the submission. Only entries received on or before the September 7 deadline will be considered. Only one entry should be submitted by each attorney. The judging will be done by a panel of judges at SEAK, Inc. No employees or relatives of SEAK, Inc., are eligible to enter the competition. The decision of the judges is final and not appealable.

First prize is \$1000 cash, plus notice of the win will be sent to over 100 New York literary agents and to the Associated Press. The second prize is a \$1000 SEAK gift certificate. The third prize is a \$500 SEAK gift certificate. Winners will be notified by email or phone.

All authors maintain the original copyright to their materials. For more info, contact stevenbabitsky@seak.com or visit www.seak.com.

2007-177 also stresses that issue conflicts do not arise when different lawyers at the same firm in different cases take conflicting legal positions for different clients without knowing of the contrasting positions and their impact: "[I]t would be inappropriate to hold that on pain of discipline, all lawyers at a firm are chargeable with full 'issue conflict' knowledge of every other lawyer at the firm. Actual knowledge, or at least negligence in not knowing, must first be proved."

Summing Up. To return to our opening example, the lawyer involved should not have an issue conflict as long as the permit applications for the clients involved will not require the lawyer to take contradictory

positions on precisely the same point for the different clients. Nonetheless, the example also highlights that as lawyers increasingly specialize in particular areas of the law, the possibility for issue conflicts between clients in those areas has also increased in equal measure.

Mark Fucile of Fucile & Reising handles professional responsibility, regulatory and attorney-client privilege matters and law firm related litigation for lawyers, law firms and legal departments throughout the Northwest. His telephone and email are 503.224.4895 and mark@frllp.com.

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Attorneys do Great Things Marshal Spector Donates Kidney

By Judy Edwards, MBA Executive Director.



Marshal Spector

Selfless is the word that comes to mind when we think of people risking their own lives for others. It is certainly the right word to describe MBA member, Marshal Spector, for donating a kidney in May to a friend. He is a shareholder with Gevurtz Menashe et al.

We asked Marshal why he did it. As he described the experience, it was obvious that he knew he had made the right decision and he believed that he benefited greatly from it, as well as the recipient.

“David is a dear friend who has been sick for a long time. Our families are close; our children are friends; and he’s been on dialysis for some time. He has no blood relatives and he needed a kidney to give him and his family hope for the future.”

The connection between Marshal and his friend goes back several generations. “My great grandfather, a well-known cantor in Romania in the early 1930s, was his father’s cantorial teacher.” Marshal and David met when Marshal moved to Portland in 1990.

“I feel incredibly blessed that I was able to do this. My experience as the father of three children and as a family law attorney, helping people get through difficult times in their lives, helped me with this process.

“There are many people in the legal and Portland community who give of themselves in many ways. The way I practice law was instructive to me in making the decision to help my friend. Clients come to my office with their lives in chaos and, in essence, they have experienced the death of a relationship that once gave them life. My job is to help restore order and bring new hope to their

lives and help them go through the process with as much dignity as possible.

“My friend also has three children and a wonderful wife and they’ve had chaos in their lives because he’s been ill for so long. My helping him, by giving of myself in a literal way, has helped give them new hope and helped bring order and joy to their lives. That’s what we try to do as attorneys and as parents, and to me it was an act of generosity and kindness that I truly feel blessed to have done. The support that I have received from my partners, from my entire office, friends and family has been overwhelming.

“I worked hard leading up to the surgery to prepare myself medically, physically and spiritually to go through this. The most important thing to me was how my children felt about it. They have been superb in their understanding, thoughtfulness and support both before and after the surgery. One of my kids even asked if the surgeons could remove my Blackberry, along with the kidney.

“I feel a renewed sense of purpose to help those in need, to help

clients as much as possible, to help charitable organizations and those who are less fortunate and to try to motivate others to do the same.” Marshal has worked on behalf of others as co-chair of the CourtCare campaign, a project of the MBA. He hopes that his story will help raise awareness and that others will consider living organ donations, as well as taking time from their lives to help others.

Doctors tell him that the formula for the rest of his life is the same as for the rest of us. Eat healthy, exercise, lead a balanced life and manage stress. “I look forward to doing what I can to help others with a renewed sense of purpose and humility and I look forward to years ahead.”

A friend told Marshal that this experience added days to David’s life and life to Marshal’s days.

He is happy to speak with anyone who would consider making an organ donation. His office number is 503.227.1515. For information about making a living organ donation, you can go to www.donatelifenw.org.

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David Gray, Senior Law Project Volunteer of the Year

By Lynne Lloyd, Legal Aid Services of Oregon.



David Gray

David Gray does not think that his pro bono work is extraordinary - although, nearly everyone he encounters through his regular work for the Senior Law Project (SLP) is impressed with his commitment to his pro bono clients. David graduated from OSU in 1979 and Golden Gate University School of Law in 1983. In 1986,

David began volunteering with the SLP at the urging of a colleague.

David found that seniors were an enjoyable population to work with, as well as a group with whom he did not usually have much day-to-day contact. David's practice is primarily business law, so he enjoyed the different sets of issues presented by seniors through the SLP. He says, "Working with seniors keeps me grounded and provides the opportunity to contribute to humanity rather than just worrying about the bottom line." He continued volunteering for the SLP, working at several different senior centers before settling in with a regular slot at the Neighborhood House in SW Portland and now volunteers at the Neighborhood House every month.

David continues to work with seniors because he enjoys the connections he forms with clients.

Seniors are at risk of more isolation than many other populations and have often become accustomed to having many day-to-day decisions made for them. When a big decision needs to be made, it can be consuming and overwhelming. He enjoys problem solving with the clients, helping them make those tough decisions and "getting down to basics" with clients, figuring out what they need and what can be done about it. David has found that even a limited time commitment can make a huge difference to the seniors with whom he works. "Most times, it is so easy to make this population happy with just a little assistance," he says. He has also volunteered with the OSB Debtor-Creditor Bankruptcy Clinic, on individual Americans with Disabilities Act claims.

Jimmy Rattanasouk oversees the SLP clinic at the Neighborhood House location and says about

David, "He has a wonderful ability to relate to seniors and the senior center staff. Even if he is unable to help clients, he provides them with hope that they can work through their issues. David is a fantastic listener and is great at helping clients problem solve and find solutions to their problems."

David is modest about his pro bono efforts and would like to acknowledge the legal profession as a volunteer-oriented group that is committed to serving those in need. In return, we would like to thank him for his tireless efforts.

Dream Team Honored for Pro Bono Work for Legal Services Programs

By Nancy Patton, Campaign for Equal Justice.

The Pro Bono Award of Merit has been awarded to a group of seven Portland based attorneys who form a legal "dream team" of sorts. This "dream team" includes Michael Hallinan, Beverly Pearman and Stephen Walters of Stoel Rives; Don Marmaduke, Scott Seidman and Anna Sortun of Tonkon Torp; and Kent Thurber of Davis Wright Tremaine.

This group of attorneys are working together to represent Legal Aid Services of Oregon (LASO), Oregon Law Center (OLC), the Campaign for Equal Justice (CEJ), individual LASO and OLC attorneys and clients on a pro bono basis in a federal court action against the Legal Services Corporation (LSC) and, as intervener, the United States of America. And they are a "dream team" because they are some of the best trial attorneys in Oregon employed by firms that are constant supporters of access to justice and pro bono efforts.

These seven attorneys are involved in a complex case that has required - and will continue to require - hundreds of hours of legal services. Despite that enormous commitment, the attorneys and their firms very quickly and willingly volunteered to assist with the case pro bono.

The lawsuit, pending in the US District Court in Portland, was filed in late 2005. Don Marmaduke describes the heart of this lawsuit in

this way, "The litigation challenges a seriously flawed, federally funded legal services delivery system - a system that we believe unconstitutionally prevents low-income people from receiving a full range of services, bars the lawyers who seek to serve them from providing a full range of advocacy and even restricts the use of private donations in subject areas Congress considers controversial."

The federal government places restrictions on legal aid programs that receive funding from the LSC. These restrictions result in the following outcomes: 1) LASO lawyers serving low-income Oregonians are prohibited from pursuing claims for attorney fees, lobbying before state and local legislative bodies, filing class action lawsuits and soliciting potential clients; 2) all non-federal funding received by LASO is subject to the same restrictions whether the non-federal funding source agrees with the restrictions or not; and 3) legal services that are prohibited by the restrictions must be provided by a legal aid program that is legally, physically and financially separate from LASO and receives no funding from LSC.

To combat these adverse consequences, Oregon has been required to develop a non-federally funded legal aid program that can handle some of the cases that LASO is not allowed to take. This has resulted in duplication of administrative resources,

inefficiencies, and in some cases, clients not being able to receive a full range of legal representation.

If successful in challenging the effects of these restrictions, which constitute impermissible limitations on speech in violation of the First Amendment, Michael Hallinan anticipates the following to occur, "LASO lawyers will be able to do things they cannot do right now like helping Oregon write better laws, litigating important matters on a class wide basis, advising prospective clients of their rights and then offering to represent them when a state or federal statute gives them the right to do so. These are things that every other lawyer can do, and I think letting LASO and LASO lawyers engage in these forms of advocacy will do a lot to help low income and indigent clients throughout the state."

The case has survived a motion to dismiss and is now in the discovery phase. Although it is not yet resolved, the attorneys involved are very deserving of this award because of the importance of the case to the delivery of legal services in Oregon.

The tremendous effort and time they have devoted to the case and the high quality of their work is the very example of the kind of pro bono assistance that embodies the true spirit of the Pro Bono Award of Merit.



**Don Jacobs
knows
Washington
courts.**

For over 25 years, Vancouver attorney Don Jacobs has represented plaintiffs in Washington and Oregon. He is available to help with your Washington cases.



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AROUND THE BAR



Nancy McCullen Cooper



John C. Rothermich

GARVEY SCHUBERT BARER
Nancy McCullen Cooper is a new owner in the Portland office, where she practices labor and employment law. She partners with businesses to advocate "best practices" when managing employees and working with labor unions while striving to protect both the employer and employees as well as avoiding litigation. Cooper provides day-to-day employment counsel, including facilitating in-house training, creating employment agreements, non-competes, confidentiality agreements and providing general counsel on employment and labor issues.

John C. Rothermich has joined the firm as an associate in the litigation group, where his practice focuses on representing plaintiffs and defendants in complex commercial disputes, including securities claims, contract disputes and real estate matters. His experience includes defending clients in securities cases, class actions, bankruptcy adversary proceedings and other complex commercial matters.



Lisa Kaner

MARKOWITZ, HERBOLD ET AL
Lisa Kaner, an attorney and shareholder with the firm, has been recognized as one of the top businesswomen in Portland.

Kaner received an Orchid Award at the 2007 Women in Business Party & Expo, held in April at the Oregon



Shawn Lindsay

Convention Center. She was one of 25 women featured in the April 27 issue of the *Portland Business Journal*.

At the firm, Kaner resolves complex business disputes for both plaintiffs and defendants. Her practice areas include securities litigation, complex contract disputes, business fraud, insurance coverage and employment. She has extensive trial experience in the most legally demanding and factually intensive cases.

Shawn Lindsay, an intellectual property and commercial litigation lawyer with the firm, is serving as general counsel to Special Olympics Oregon, managing legal matters and advising the organization's board of directors.

LANDYE BENNETT BLUMSTEIN
Michael (Mick) R. Seidl has become a firm partner. He has nearly 25 years of experience as a trial lawyer in the state and federal courts in Oregon and Washington, focusing on commercial and insurance litigation. He often writes and speaks about issues concerning shareholder disputes, contract litigation and business torts for state and national legal publications and conferences.



Ken Davis



Anne Glazer

LANE POWELL
The firm was recognized as one of the top nine regional law firms in the US for copyright law in *The Legal 500 (United States): Volume II (Intellectual Property,*

Technology, Media & Telecoms). Attorneys **Ken Davis** and **Anne Glazer** were individually honored for their work in copyright law. Davis was recommended for his copyright litigation expertise. He has successfully defended copyright actions involving literary, graphic and software works, and he has represented major software and Internet companies in intellectual property and antitrust disputes. Glazer was recommended for her non-contentious copyright practice, with a focus on retail and technology. She regularly advises clients on risk management and protection strategies.



Shane J. Antholz

COSGRAVE VERGEER KESTER
Shane J. Antholz has joined the firm as an associate with the business practice group. His practice specializes in business, estate planning and administration and federal taxation.



Christina Thacker

BARRAN LIEBMAN
Christina Thacker has joined the firm. Thacker has helped employers resolve issues related to claims of gender, race, national origin, disability and injured worker discrimination, wrongful discharge and sexual harassment. She has handled cases alleging breach of employment agreements, including non-competition agreements, and has advised employers on various family and medical leave issues under state and federal laws. Thacker also has assisted employers in defending against unfair labor practices and with other labor law issues.

FISHER & PHILLIPS
Clarence Belnavis has been appointed Managing Partner in the firm's Portland office. Belnavis has substantial experience handling various types of employment litigation including disability, racial and gender discrimination, retaliation, sexual harassment and



Clarence Belnavis

wrongful discharge. He also represents employers in wage and hour claims, employment class actions and traditional labor matters.



James Zehren

STOEL RIVES
The firm has expanded its nationally recognized renewable energy practice with the hiring of 10 leading energy and agribusiness lawyers in Minneapolis, Minnesota and the opening of a Minneapolis office. Stoel Rives' renewable energy practice is on the cutting edge of work for wind, ethanol, biodiesel, solar, wave, biomass and geothermal clients.

James Zehren, a principal in the firm, is the new president-elect of the City Club of Portland. He will serve in that role for one year, after which he will become president of the organization.

Zehren is a real estate development attorney, whose work focuses on construction and design law, including business transactions, preventive law and dispute resolution. His practice encompasses preparing and negotiating contract documents; licensing, registration and code compliance issues; and construction lien and bond claims. He is a frequent speaker and author on legal issues affecting project developers, owners and contractors. His writing has been featured in *The Daily Journal of Commerce* and other local and national publications.



Jody Stahanczyk

STAHANCYK, KENT ET AL
The firm's Senior Shareholder, **Jody Stahanczyk**, is the 2007 winner of

Commerce Magazine's Rainmaker Award. The annual award honors business development success.

Stahanczyk is also the founder of Child Centered Solutions, a nonprofit organization focusing on protecting the rights and needs of children involved in high conflict domestic relations cases by providing pro bono legal representation, education, training and community service.

KATHLEEN O'BRIEN
Kathleen O'Brien has moved her office. The new address is 2505 SE 11th Ave Ste 316, Portland OR 97202. Telephone/fax number is 503.234.8801. Email is oregonlaw@aol.com.



Catherine B. Brinkman

SCHWABE WILLIAMSON & WYATT
Catherine B. Brinkman, an associate in the firm, has joined the Ambassador Board of Directors for Portland's DoveLewis Emergency Animal Hospital.

Brinkman's practice at Schwabe focuses in the areas of construction and commercial litigation. She specializes in public contracting issues and real estate and environmental remediation.



Martin L. Alvey

MARTIN L. ALVEY
Martin L. Alvey received the Douglas W. Daughtry Award from the Workers' Compensation Section of the OSB at the section's annual meeting in May. The award is presented to section members who display a "commitment to the highest standards of professionalism, honesty, integrity and willing adherence to the highest ethical standards while making outstanding contributions to the workers compensation section and the hearings process." Alvey is finishing his term as Past-Chair.

The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. The deadline is the 10th of the month preceding publication or the previous Friday if that date falls on a weekend. All items are edited to fit column format and the information is used on a space-available basis in the order in which it was received. Submissions may be emailed to carol@mbabar.org.

Tips from the Bench

By Judge John A. Wittmayer, Multnomah County Circuit Court.

Motions for Summary Judgment - procedures

The Tips from the Bench column of February, 2006 discussed the procedures for setting civil motions, generally. The bar is continuing to experience some confusion on these procedures, so this month's column will touch on how Motions for Summary Judgment are set.

If your case has *not* been designated by the Presiding Judge a complex case or has otherwise *not* been assigned by the Presiding Judge to a particular judge for all motions, it matters not that a particular judge has heard other civil motions in your case. Your Motion for Summary Judgment will *not* necessarily be assigned to the judge who has previously heard motions in your case. To set your Motion for Summary Judgment call the Court's Civil Calendaring Section at 503.988.3168. Do not contact the office of the judge who has heard previous motions.

Most summary judgment motions are heard by judges *pro tem* who have volunteered to help the court with these matters. These judges *pro tem* have over the years volunteered thousands and thousands of hours to hear these motions. The Presiding Judge and the other judges on this court are grateful for this volunteer help.

If a party wishes the Motion for Summary Judgment to be heard by an elected/appointed judge instead of a judge *pro tem*, a request to Presiding Court is all that is required (no motion for change of judge or affidavit is required). Presiding Court has a form motion/order for you to use for this request. It is available from the Presiding Judge's office, or you can find it in the forms appendix to the *Attorney Reference Manual*, which is available online at www.ojd.state.or.us/mul/About.html. You must present this request at *ex parte* (9:30 a.m. or 1:30 p.m. each day) within 24 hours (excluding non-court days) from learning of the assignment to a judge *pro tem*. If the Presiding Judge has approved a request for the motion to be heard by a regular judge, you must provide a conformed copy of the order to



the civil calendar clerk in room 210. The clerk will then reassign the motion. It will likely be assigned to Judge Henry Breithaupt of the Oregon Tax Court, who has made himself available to help us. If Judge Breithaupt is unavailable or a Motion for Change of Judge is filed, the motion may be sent to any judge of this Court, other than the family law judges, the Presiding Judge or the Chief Criminal Judge.

If your Motion for Summary Judgment is assigned to a judge *pro tem*, and you need to reschedule your motion, you also need an Order from the Presiding Judge. A form for this is also available online (see above). The volunteer judges *pro tem* have appointments from the Chief Justice to sit only on particular days. A volunteer judge *pro tem* may not move the hearing date to another date unless she/he has an Order of Appointment from the Chief Justice for the subsequent day.

Practice Tip

When your Motion for Summary Judgment is assigned to a judge *pro tem* or to Judge Breithaupt, you are required to send copies of all motions, responses, replies, and other related materials directly to the judge *pro tem* at her/his office, at the address in the OSB Directory. Submissions for Judge Breithaupt are to be sent to him at his office at the Tax Court in Salem. Of course, when your Motion for Summary Judgment is assigned to one of the regular judges, you are also required to deliver copies of all submissions directly to the assigned judge's office.

2007 Multnomah CourtCare Campaign

You helped us surpass our goal!

Thanks to the generosity of the Portland metro area legal community and the hard work of the Multnomah CourtCare Fundraising Task Force, more than \$115,000 was raised to continue operating the free, drop-in childcare at the Multnomah County Courthouse. The 2007 CourtCare Campaign raised about \$94,000 from law firm and individual contributions, \$15,500 from the MBA's WinterSmash benefit bowling outing and \$2000 from YLS fundraising efforts. In addition, the MBA contributed \$5000 again this year. In total, the MBA has given nearly \$37,000 since the childcare's inception in 2001.

Multnomah CourtCare provides a safe haven for children while their parents are involved in obtaining domestic abuse restraining orders, participating in the STOP program (a court-supervised drug and alcohol treatment program), dealing with eviction proceedings, testifying to the grand jury or trials and other matters. Volunteers of America Oregon operates the program, providing state-certified childcare for 80-100 children each month.

Located in a converted jury room, the Multnomah CourtCare program is the only full-time childcare center of its kind in Oregon. The program depends on the shared efforts of many people, as the annual fundraising campaign shows. More than 1000 members of the MBA community help support the program through gifts of money, stuffed animals and participation in the many fundraising events held throughout the year.

The MBA wishes especially to thank Multnomah County Circuit Judge **Janice Wilson** for her inspired and tireless efforts to help found the program, and in working to assure its continued operation. The MBA also thanks **Susan Marmaduke**, Harrang Long Gary Rudnick PC, and **Marshal Spector**, Gevurtz Menashe, et al., for co-chairing the fundraising campaign for the second year. We wish also to thank Volunteers of America Oregon and the CourtCare Advisory Committee.

Each year, the MBA gives awards to the firms that bring in the most funds, as well as those who raise the most on a per-capita basis, including non-attorney staff. This year the firm with the highest total raised at the end of the campaign was **Bullivant Houser Bailey** with \$6500, which earns them the coveted Proudest Pride Award. **Williams, Love, O'Leary Craine and Powers** walked away, for the fourth year in a row, with the Loftiest Leap Award after raising about \$300 per employee.

Special thanks to the MBA Fun Committee, chaired by **Andrew Schpak** of Barran Liebman, for organizing the WinterSmash event; the **YLS Membership Committee** for organizing the YLS fundraising



Kay Toran, VOA Oregon; JoLynne Zimmerman, Williams Love O'Leary et al winner of the Loftiest Leap Award; Jeffrey Eden, Bullivant Houser Bailey, winner of the Proudest Pride Award; and Susan Marmaduke, Harrang Long Gary Rudnick and CourtCare Fundraising Co-Chair attend the post-campaign celebration event

event; **Guy Walden**, MBA Director of Member Services, for his superb leadership and management of the campaign; and **Schwabe Williamson & Wyatt** for donating their office and refreshments for the campaign results party. We would also like to thank the CourtCare "Coaches" who collected more than 75% of the total funds raised within their firms.

CourtCare Coaches

- Laura Baldwin
- Tim Barker
- Gretchen Barnes
- Michelle Barton
- Leslie Bottomly
- Resa Boxell
- Barbara Brainard
- Douglas Bray
- Marc Carlton
- Lane Chitwood
- Jose Cienfuegos
- Charles Corrigan
- Connie Crone
- Sarah Crooks
- Beth Cupani
- Josh DeCristo
- Pilar French
- Kari Furnanz
- Hwa Go
- Edwin Harnden
- Pam Heimuller
- Tim Hering
- John Hirschy
- Catherine Keenan
- Grace Lee
- Kevin Mapes
- Jeffrey Matthews
- Jenna Mooney
- Christopher Parnell
- Susan Pitchford
- Nancie Potter
- Laura Rackner
- Daniel Ricks
- Glenn Robles
- John Rothermich
- Mary Rower
- Ted Runstein
- Ava Schoen
- Marshal Spector
- Dana Sullivan
- Hon. Katherine Tennyson
- Christina Thacker
- Trung Tu
- Elizabeth Wakefield
- JoLynne Zimmerman

CourtCare Lions, \$500 or more Firms and Organizations

- (descending order of donation amount)
- Bullivant Houser Bailey
- Davis Wright Tremaine
- Multnomah County Judges
- Markowitz Herbold Glade et al
- Harrang Long Gary Rudnick
- Lane Powell
- Tonkon Torp

- Foster Pepper
- Williams Love O'Leary Craine & Powers
- Gevurtz Menashe et al
- Dunn Carney Allen
- Multnomah County DA's Office
- Bullard Smith Jernstedt Wilson
- Schwabe Williamson & Wyatt
- Miller Nash
- Yates Matthews & Eaton
- Cosgrave Vergeer Kester
- Greener Banducci Shoemaker in honor of Schwabe Williamson & Wyatt
- Garvey Schubert Barer
- Stoel Rives
- Perkins Coie
- Ater Wynne
- Barran Liebman
- Farleigh Witt
- Hoffman Hart & Wagner
- McKanna Bishop Joffe
- Legal Aid Services of Oregon
- Ball Janik
- Clackamas County Family Law Group
- Gazzola & Hull
- Gearing Rackner & Engel
- Kell Alterman & Runstein
- Kennedy Watts et al
- Klarquist Sparkman
- Ramis Crew Corrigan
- Staffing Solutions
- US Attorney's Office

Individuals donating (descending order of donation amount)

- Michael Williams
- Jeffrey Matthews
- Michael Dwyer
- Susan Marmaduke
- Mark Wada
- Deborah Boersma
- Hon. Katherine Tennyson
- Hon. Janice Wilson
- Hon. Merri Souther Wyatt
- Michael Bloom
- Douglas Bray
- Peter Glade
- Lisa Kaner
- Christopher Kent
- Jill King
- Jane Paulson
- Laura Rackner
- Judy Danelle Snyder
- Milton Stewart
- Hon. Diana Stuart
- Hon. Ellen Rosenblum and Richard Meeker in honor of Judge Janice Wilson, founder of Multnomah CourtCare.
- Jenna Mooney
- Nancie Potter

CourtCare Tigers, \$150 or more Firms and Organizations

- (descending order of donation amount)
- Cable Huston et al
- Multnomah County Courthouse Staff
- Williams Kastner & Gibbs
- Stahancyk Kent et al
- Lindsay Hart Neil & Weigler
- McEwen Gisvold

Individuals (descending order of donation amount)

- Sarah Crooks
- Marshal Spector
- William Gary
- Neil Kimmelfield
- Glenn Robles
- Jens Schmidt
- David Baca
- Bruce Berning
- Brian Booth
- John Cornyn
- Virginia Cornyn

Continued on page 11

Multnomah Bar Foundation Announces Second 2007 Grant Cycle

The Multnomah Bar Foundation (MBF) awards grants to organizations for projects or programs that promote civics education and participation. Grants will not exceed \$5000 except in special circumstances. Priority will be given to new projects that utilize Multnomah Bar Association (MBA) volunteers in the Portland metro area.

Letters of inquiry will be accepted at any time. Grant applications must be received by September 14. Grant awards will be announced November 15.

A printable version of the grant application may be found at www.mbabar.org. Questions about the MBF grant application process may be referred to Noëlle Saint-Cyr at 503.222.3275.

Profile – Judge Youlee Yim You

By Michael Lewton, Cosgrave Vergeer Kester and Court Liaison Committee member.

Youlee Yim You was recently sworn in as one of Multnomah County's newest circuit court judges. After spending a few minutes with her for this article, it became very clear that Judge You is a dignified, respectful and conscientious person who possesses all the attributes that both attorneys and parties alike want to see in a judge. To appreciate how the strengths and qualities of her character developed, it is important to know a little about her background. Judge You's story is a story of a proud family, education and hard work. Because of the limited space allowed for this article, we can touch on only some highlights.

This story starts in the early 1950s during the Korean War. Judge You's mother entered a beauty pageant in South Korea. That gave her mother the opportunity to flee the poverty of South Korea and study in the United States. She first went to New York, where she met Judge You's father, who had recently fled Cuba during the Cuban revolution. Also during the war, an uncle of Judge You was fortunate enough to work as a houseboy for an American Army officer stationed in Korea. After returning to the United States, the officer sponsored her uncle's immigration here. Upon arrival, the uncle's "everyone-is-wealthy" image of the US was quickly shattered, when on

the road from San Diego, they had to eat beans out of cans heated on the car engine.

Because Judge You's mother and father lacked the resources to raise a child, her mother moved to Seattle to live with her sister and brother-in-law. Judge You was raised in an extended family consisting of her mother, two aunts, an uncle, a cousin and her grandmother. The family lived together for both cultural and financial reasons. While the rest of the family worked and/or attended school, Judge You's grandmother contributed to the community effort by keeping the house and caring for Judge You and her cousin. Judge You affectionately recalls how her grandmother carried both children in her arms to go for walks around the block

When Judge You was four years old, she moved to California with her aunt, uncle and cousin. Her mother, who was attending the University of Washington (UW), stayed to work on her degree in urban planning and transportation. After graduating from UW, Judge You's mother attended graduate school at Harvard. She eventually obtained her Ph.D. from the University of California at Berkeley in transportation engineering.

Judge You grew up near Berkeley, California where she developed a sense of social responsibility. While in high school, she witnessed people at UC Berkeley speaking out and taking stands on numerous social causes, from which she acquired her own awareness of issues such as social inequality and poverty. Judge You was inspired to make a difference. After graduating from high school, she moved across the country to attend Wellesley College in Massachusetts where she eventually obtained a degree in Economics and Urban Planning. While there, she spent one year studying at the Massachusetts Institute of Technology. After graduating from Wellesley, she attended the UW School of Law.

Judge You's first job after law school was with the Metropolitan Public Defender's office in Portland. There, she represented persons charged with felonies and represented both juveniles and adults in family court cases. In 1992, Judge You moved to the Oregon DOJ (DOJ) where she spent time researching and drafting criminal and civil appeals and representing a number of state agencies on administrative law matters. Although she had no real connections to her New York roots, she moved to Brooklyn in

1994 and began working for the Kings County District Attorney's Office - the third largest district attorney's office in the country. While at Kings County, she tried a number of complex felony cases such as homicide, rape, and robbery. She also supervised other attorneys' complaint drafting, case preparation, and trials. In 1997, she was promoted to Deputy Bureau Chief.

In 1998, Judge You left the practice of law for a short time while she volunteered at Mother Teresa's Orphanage in Delhi, India. After that, she took a job as a Death Penalty Staff Attorney with the US District Court, Central District of California. For the next four and a half years, Judge You worked for federal judges on habeas petitions filed by death row inmates. In 2004, she returned to the Oregon DOJ as a Senior Assistant Attorney General, where she represented the State of Oregon in both trial and appellate proceedings involving challenges to a variety of criminal convictions.

In addition to her time at Mother Teresa's Orphanage, Judge You has volunteered time for a number of civic groups and organizations. She sat on the Portland Planning Commission, the Korean American Citizens League and presently sits on



Judge Youlee Yim You

the Public Service Advisory Committee for the OSB. In 1999, she received the Pro Bono Service Award from the Asian Pacific American Legal Center in Los Angeles. She has also volunteered time as a rape victims' advocate.

Most of Judge You's time outside the courthouse is spent with her husband and two sons. She loves to cook and has a certificate in French cooking. In keeping with her cultural and family history, she organizes family events around cooking as much as possible.

Judge You recalls what it was like being a young attorney appearing in court. Now, as a sitting judge, one of her goals is to treat attorneys and parties appearing before her with dignity and to learn as much as she can out of respect for the position she holds. She wants to set the example of professionalism. Those who know her believe she already does.

Standing on the Shoulders of Giants – Judge Richard C. Baldwin

By Fay Stetz-Waters, Oregon State Bar Affirmative Action Program.



Judge Richard C. Baldwin

The MBA Equality Committee is committed to showcasing individuals, activities and programs developed and/or sponsored by MBA members and their firms or organizations that promote and provide better understanding of diversity in our legal profession and community. If you would like to recognize an individual, group or firm for their commitment to equality, please contact Kathy Maloney at the MBA. The following is the third article in a series.

It was a great pleasure to interview **Judge Richard C. Baldwin** of the Multnomah County Circuit Court. I met him while I was a law student. As a

student of color, I grew to know him as representing all that I admired in the legal profession. Judge Baldwin is one of many whose professionalism, respect for the law and commitment to inclusion helped me to decide to become a member of the OSB.

Judge Baldwin chuckles, "You don't have to be 60 years old before you admit that your parents are right." His parents stressed education and made it clear that ignorance is never an option. He incorporates education into his commitment to racial equality and social justice.

He believes equal treatment is at the core of our legal system; so it is not surprising that he has a broad view of civil rights and inclusion. Like anyone who works over a long time on social justice issues, he recognizes there is advancement and backlash. To sustain his energy, he knows he must dig in for the duration and not sweat the small stuff. "It is about fighting the good fight, not about whether you win them all." He adds, "Given the nature of the problem, we are really standing on the shoulders of giants."

One high point he notes is the Day of Acknowledgment. Judge Baldwin noticed that 1999

marked the 150th anniversary of the Oregon Territorial Act of 1849, an act that excluded blacks from the State of Oregon. He spearheaded a movement in the Oregon legislature to propose a Day of Acknowledgment resolution as a way to reflect on Oregon's racial history, and to have a community impact that would move people forward. More than 800 Oregonians turned out to acknowledge the state's discriminatory past and the work towards racial equality. The legislature approved a resolution commemorating the struggle for racial justice.

Another high point for Judge Baldwin is the increase in the number of law students of color. In 1972, there were only five law students of color in the whole state. In 2006, at the OSB House of Delegates annual meeting, Judge Baldwin saw students of color fill the public assembly area. Visually, it was stunning. "The sight represented something completely different from when I entered law school. I am awed whenever I walk into an OLIO conference and see it filled with law students of color. These are inspirational changes that recharge my batteries," he explains.

Judge Baldwin was referring to Opportunities for Law in Oregon (OLIO), the bar's ethnic minority law student recruitment and retention strategy with year-long programming in which he is an active participant. Besides joining a panel of judges at this summer's OLIO Orientation, Judge Baldwin will co-facilitate a CLE which draws from the highly successful Uniting to Understand Racism (UUR) series, originally the brainchild of former Chief Justice Edwin Peterson.

UUR's mission is to advance racial justice and reconciliation through honest dialogue, acts of reconciliation and education. UUR works throughout the year with local businesses, schools, government and nonprofits to sponsor a six-week dialogue program within their organizations.

Judge Baldwin is enthusiastic about his personal and professional growth from his UUR experiences. Imagine sitting in a relaxing environment, in a trustful atmosphere, and feeling comfortable sharing what you really think...about race. That is what more than 3,000 Oregonians have achieved during UUR's six-week course.

Judge Baldwin, current UUR Board President said, "My work with UUR keeps me aware of the fact that there is not just one American experience. There are many experiences. Making assumptions based on one's own experience is often not very respectful and can result in one's actions and statements being misunderstood." He adds, "I've learned from each experience and that tends to make me a whole person." He invites anyone interested in scheduling a workplace dialogue CLE (six credits) to contact UUR Director, Sheila Griffie at understandracism@qwest.net. For more information about UUR, visit www.understandingracism.org.

In addition to working with UUR, Judge Baldwin serves as chair of the Multnomah County Circuit Court Judicial Outreach Committee and on the Executive Committee of the OSB Diversity Section.

Judge Baldwin's energy is unlimited, and he strikes a satisfying balance between his professional life and his personal life. As a newly admitted bar member, I see Judge Baldwin as a role model.

Everything You Wanted to Know about the New YLS Board Members



Klarice Benn, Abbott & Paris

The type of law I practice is... insurance defense.
 As a child, I wanted to be...a ballerina.
 My favorite movie/book is...*My Sister's Keeper* by Jodi Picoult.
 The best breakfast restaurant in town is...Milo's.
 The best lunch restaurant in town is...Mother's.
 The best dinner restaurant in town is...Bernie's Southern Bistro.
 The YLS is a great organization because...it offers opportunities to

young lawyers to become involved in their community.
 The aspect I like most about the Portland legal community is...the lack of animosity amongst lawyers.
 In my free time, I...garden and do other projects around the house.
 In 10 years, I hope...to have children.
 The most useless item in my office is...tape dispenser.
 Outside of the YLS, I volunteer my time...this is the only organization I have time to volunteer for.



John McVea, Attorney at Law

The type of law I practice is...Personal Injury & Criminal Defense.
 As a child, I wanted to be... President.
 My favorite movie/book is...*The Lion in Winter*.
 The best breakfast restaurant in town is...The Dockside.
 The best lunch restaurant in town is...The Screen Door.
 The best dinner restaurant in town is...The Iron Horse Restaurant.
 The YLS is a great organization because...they suffer me graciously.
 The aspect I like most about the Portland legal community is...it is filled with consummate

professionals who are some of the nicest people you would ever want to meet.
 In my free time, I...free time, who has free time?
 In 10 years, I hope...peace will have broken out worldwide.
 The most useless item in my office is...the Family Law CLE books I purchased when I thought I was suited for the practice of Family Law. I'm willing to part with them for a nominal fee.
 Outside of the YLS, I volunteer my time...donating money to charities and organizations I would like to volunteer for but don't have the time to.



Justin Leonard, Ball Janik

The type of law I practice is... Bankruptcy & Complex Litigation.
 As a child, I wanted to be...a computer scientist or video game programmer.
 My favorite movie/book is...*Soldier of the Great War* - Mark Helprin
 The best breakfast restaurant in town is...Utopia Café.
 The best lunch restaurant in town is...Taco Del Mar.
 The best dinner restaurant in town is... 3 Doors Down.
 The YLS is a great organization because...it provides a diverse variety of opportunities for attorneys to increase their satisfaction with the legal profession by building relationships with other lawyers and benefiting the community at large through pro bono and community service.

The aspect I like most about the Portland legal community is...its location.
 In my free time, I...work on our 1914 Colonial home and garden with my wife, Jennifer, and our guide dog Flunkie, Britain; run marathons; vegetate at home with aid of Powells Books, Netflix, and Microsoft (Xbox 360).
 In 10 years, I hope...to be a father with a healthy work-life balance; to feel wise/experienced in my profession.
 The most useless item in my office is...pencils.
 Outside of the YLS, I volunteer my time...in the Legal Aid Bankruptcy Clinic, Mt. Tabor Neighborhood Association and for the Oregon Health Resources Commission, and as a Region 5 OSB House of Delegate.

Service to the Public Imprint Program Ends with Smiles, and Pizza

By Noëlle Saint-Cyr, Administrator, Member Services and Events.

The Parkrose Middle School library was recently filled with anxious young lawyers patiently waiting to meet their Imprint Program pen pals. After several letter exchanges about short stories, poems and the book *The Outsiders*, the volunteers got to actually meet the students they wrote to over the last several months.

One by one, the kids entered the library, walking past a table piled high with boxes of pizzas and cookies waiting to be consumed. One girl found her YLS pen pal and gave her a huge hug. Kids

quickly zeroed in on their pen pals' name tags and soon the room was filled with the din of happy chatter. Lists of "ice-breaker" question were provided at each table but these were pushed



Calma Sasao and pen pal YLS Volunteer Lara Gardner

aside by most of the kids and volunteers who had no trouble at all finding things to talk about.

Volunteer Becky Thiebes and 8th grader Darrin Santos talked about their families, sports and going to college while eating slices of pineapple and pepperoni pizza. Darrin wants to go to college but he was disappointed to learn it takes more than a year to earn a degree. They both enjoyed reading *The Outsiders* and when asked if he would continue to be involved



YLS June Social

On June 5, the YLS celebrated service to the community with a monthly networking social dedicated to opportunities to become involved in the nonprofit community. Young lawyers enjoyed delicious food and drinks at Aura, courtesy of The Commerce Bank of Oregon and networked with one another, as well as representatives from the nonprofit community. Mike Paul, President and CEO of The Commerce Bank of Oregon welcomed everyone with a speech focusing on the importance of service to the community, and introducing

their new initiative to link young professionals and nonprofit organizations. He was followed by Chris Carey, Executive Director of the Daywalka Foundation, who provided examples of how lawyers can assist the Daywalka Foundation in its mission to combat human trafficking and gender-based violence.

The event was a resounding success, with over 50 people attending. All were eager to share their experiences and to learn how to become involved in nonprofit service.



Aaron Bass, Mike Paul, Doug Chiapuzo and Brian Perko at the June 5 YLS Social

Joint social with Clark county young lawyers - July 12

The MBA YLS is holding a joint Drop-in Social with young lawyers from the Clark County Bar Association. Young lawyers from both sides of the river are invited to an evening of summer socializing. Join us on the rooftop of JAX restaurant (826 SW 2nd Ave) on Thursday, July 12 from 5:30 to 7 p.m. This is a casual get-together and a fantastic opportunity to find out about the local bar associations, especially for lawyers admitted in both Oregon and Washington. We look forward to having you join us.

We hope to see you there!

in the program if it were offered to 9th graders, Darrin replied with an enthusiastic "yes." Becky enjoyed reading the book again as an adult. She said she became more aware of the fear that each group had towards the other and how that fear was expressed with violence.

All three of teacher Stacey Kottke's classes are involved in the Imprint Program this year and this is her third year participating in the program. "It is so great to have

these volunteers working with the kids because they are getting positive attention from someone who chooses to be in their life, unlike a relative," said Kottke. "The program is also a real life connection to literacy and has a phenomenal impact on the kids."

If you are interested in volunteering for the Imprint Program, please contact Kathy Maloney at kathy@mbabar.org.

CourtCare

Continued from page 8

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Contributions to CourtCare are welcome at any time, either by check made payable to the Multnomah Bar Foundation with CourtCare in the memo line or online at www.mbar.org/MBA_courtcare.htm.

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, the Oregon Law Center, the Nonprofit Project and Attorneys for Youth. To learn more about pro bono opportunities in Multnomah County, check out the Pro Bono Opportunities in Oregon handbook, available at www.mbar.org/docs/ProBonoGuide.pdf.

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Kurt Barker
David Bean
Paul Berg
Dick Biggs
Dick Brownstein
Les Bush
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Maya Crawford
Sarah Crooks
Claudia Cullison
Robin DesCamp
Joshua DeCristo
Chris Edwardsen
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Pro Bono Award of Merit Recipient, the Honorable Elizabeth Perris

By Kathleen Hansa Rastetter, Clackamas County Counsel.

One of this year's pro bono award recipients, the Honorable Elizabeth Perris, who sits as the Chief Judge of the US Bankruptcy Court, District of Oregon, leads by example. She has long been involved in pro bono work through the Senior Law Project and the OSB Debtor-Creditor Section. In 1996 she helped found the OSB Debtor-Creditor Section Bankruptcy Clinic (a joint project with Legal Aid Services of Oregon) which provides low-income people with assistance with bankruptcy and debtor/creditor issues. Judge Perris notes that the clinic is unique because volunteers assist people with their bankruptcy cases from beginning to end.

As a member of the OSB's Debtor-Creditor Section's Pro Bono Committee, Judge Perris meets with the group each fall to organize the clinic for the coming year and update materials as needed. She also personally recruits volunteers for the project, in part, by speaking to groups such as the Consumer Law Section and young lawyers section of the OSB Debtor-Creditor Section. She also makes personal phone calls to pro bono attorneys to assist with filling out the volunteer schedule. Judge Perris recently spoke with attorneys at a large law firm regarding their reluctance to allow their attorneys to volunteer at the clinic in light of changes to bankruptcy law in 2005. Judge Perris explained the exceptions in certain aspects of the law for pro bono work, and encouraged the firm to rethink its position.

In addition to encouraging others to participate in the clinic, Judge Perris volunteers herself several times a year. She, along with all three bankruptcy judges in Portland, volunteer with the clinic by speaking at a monthly lecture at the clinic on consumer issues and the bankruptcy process. Judge Perris commends Valerie Tomasi (who chairs the Pro Bono Committee) and the OSB Debtor-Creditor Section with keeping the Bankruptcy Clinic going, as well as LASO, which provides critical assistance to operate the clinic.

Over the years the clinic has grown, adding a Gresham location to the downtown Portland and Beaverton clinics. While the complexity of bankruptcy cases has increased, the basic issues of financial distress have not changed. The need is always greater than the capacity, thus Judge Perris hopes that they can increase the number of volunteers to expand the capacity of the clinic.

Before going on the bench in 1984, Judge Perris practiced with Greene & Perris (now Greene & Markley). She served as a judicial law clerk for the Bankruptcy Court in Oregon, which sparked her interest in the bench. She enjoys the analytical challenge of determining the law and applying it to the facts of the case. She also likes the practical aspects of bankruptcy law, and the fact that the cases move rapidly through the system. Judge Perris co-teaches a bankruptcy class at Lewis & Clark, and many



Honorable Elizabeth Perris

of her students volunteer at the clinic. Dick Slottee, of Lewis & Clark, comments, "Nothing works to instill a commitment to pro bono like having the students participate in the bankruptcy clinic and seeing lawyers and judges actually doing pro bono work."

Judge Perris continues to be committed to pro bono work because she believes that, as members of the legal profession, we have a duty to do more than just our jobs. She is committed to working to provide access to legal services for everyone, which is achieved for many only through pro bono services.

Judge Perris is being honored with the Pro Bono Award of Merit for her tireless efforts to provide pro bono services to low-income persons, which has made the Bankruptcy Clinic one of LASO's most successful pro bono models.

Peter Willcox-Jones, a Pro Bono Leader

By Susan O'Toole, YLS Pro Bono Committee.

Peter Willcox-Jones has been awarded this year's Michael E. Haglund Pro Bono Award. This award goes to a young lawyer who, in the tradition of Michael Haglund, founder of the Volunteer Lawyers Project, has displayed a special commitment to pro bono services through LASO, OLC or MBA YLS projects.

Peter was born in New York and graduated from the U of O Law School in 1999. After graduation, he went to work for Cosgrave Vergeer Kester in the construction trade and litigation fields. He and his wife are expecting their first child in September. When he went to work at Cosgrave, Peter was recruited to volunteer for the Neighborhood Legal Clinic, coordinated by the Oregon Law Center and supported by the firm. At the clinic, attorneys work with low-income clients on a variety of legal problems, including landlord tenant disputes and consumer law issues. Participating attorneys assess the legal issues in the cases and determine what legal action, if any, is appropriate.

Now, Peter acts as his firm's clinic coordinator. As such, he is responsible for signing up attorneys, checking clinic conflicts and providing assistance to participating attorneys. Impressively, he recruited six new attorneys to participate in the



Peter Willcox-Jones

clinic in 2006 and nine attorneys in 2007. Additionally, Peter volunteers at the clinic himself.

According to Peter, there are several important factors in recruiting new attorneys to do pro bono work.

First, the pro bono program must be well-organized and it should be easy for the new attorney to get involved with the program – to participate. Because attorneys have many demands on their time, they do not always have time to sort through all of the pro bono opportunities out there. It is much easier to say "yes" to a ready-made pro bono opportunity.

Continued on page 13

Golf News

May 24 Golf Tournament Results

Nine groups of golfers played in a scramble tournament at Eastmoreland Golf Course on May 24. The first place team was Chip Gazzola, Michael Dwyer, Tom Bittner and Peter Michalsky.

Golf for Legal Aid

On August 14, the MBA will hold its 10th Annual Members Golf Championship and Awards Dinner at Pumpkin Ridge Golf Club in North Plains. This year the Golf Committee will be

limiting net scores of participants without a formal GHIN handicap to promote greater fairness.

The proceeds from this tournament directly benefit the Volunteer Lawyers Project at Legal Aid Services of Oregon. MBA members and sponsors are encouraged to participate. As in the past, there will be Law Firm and Open Divisions. Law Firm Division teams must be comprised of attorneys from the same firm and their employees and clients. The Open Division is for all others, including judges, attorneys, clients, MBA sponsors and their respective employees.

Winning teams receive prizes and the first place teams will have their names engraved on the tournament trophies.

The entry fee of \$175 per person includes green fees, carts, golf balls, door prizes and dinner. An entry form is enclosed in this issue of the *Multnomah Lawyer*. Please complete the form and return it with your entry fee as soon as possible to ensure your team has a space in the tournament.

The MBA is actively seeking sponsors for this tournament. For more information on sponsorship opportunities, please call Tom Melville, MBA Golf Committee Chair, at 503.667.6173.



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Willcox-Jones

Continued from page 11

Second, the program should have a well-informed internal coordinator. Peter serves in that role at Cosgrave and his own experience as a volunteer makes it easy for him to answer questions and help new associates structure their time.

Third, it helps if the program schedules its volunteers far in advance, so that attorneys can work around the clinic dates on their calendars. Fourth, it helps if the firm is supportive of the program. At Cosgrave, some of the partners

volunteer for the clinic and others serve as mentoring attorneys to the new volunteers.

Finally, Peter cites the pro bono experience itself as a good recruiting tool. His experience shows that once attorneys try pro bono work, they want to do more of it. Peter is a real example of an attorney who has taken on a leadership role that has strengthened the pro bono culture in our legal community.

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ATTORNEYS AT LAW

is pleased to welcome
Patrick G. Rowe
 to the firm as an attorney in the litigation department.



Patrick G. Rowe
 patrickr@sussmanshank.com

Patrick will focus his practice on complex litigation with an emphasis on environmental and toxic tort. Prior to joining Sussman Shank LLP, Patrick practiced law for 8 years in Phoenix, Arizona. Patrick is admitted to practice in Oregon, Arizona and Washington.

Sussman Shank, founded in 1960, is a full-service business and commercial law firm practicing in business litigation, construction law, hazardous waste and toxic litigation, employer liability defense, employment, environmental, business, tax, real estate, banking and finance, creditors' rights and bankruptcy.

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Dunn Carney Adds Two Litigators



Randy Arthur

RANDY L. ARTHUR, a senior litigator, joins Dunn Carney as Of Counsel. His practice will focus on complex litigation and dispute resolution relating to commercial, professional liability, and insurance matters. Prior to joining Dunn Carney, Randy was a shareholder at Bullivant Houser Bailey P.C.



Elizabeth Knight

ELIZABETH C. KNIGHT joins Dunn Carney as Of Counsel, and her practice will focus on commercial litigation and legal malpractice litigation. She also has a background in insurance coverage and employment law. Previously, Elizabeth was a litigation attorney at Davis Wright Tremaine, LLP.

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Oregon College Savings Network Presents Awards to “We the People” Scholars



MULTNOMAH BAR FOUNDATION

There is some very good news to report for the foundation this month. The Oregon College Savings Network donated \$10,000 in savings plan scholarships to students who participated in the MBF sponsored “We the People” civics education program expansion project. State Treasurer Randall Edwards presented savings plan certificates to four

students from Parkrose Middle, Parkrose High, Hosford Middle and Franklin High schools at their year-end ceremonies.

Two students from each high school received \$1000 scholarships and two others were given \$500 scholarships. Four students at each of the middle schools were granted \$500 scholarships. The Oregon College Savings Plan is providing the scholarships to students who had an outstanding performance

in the Classroom Law Project’s (CLP) “We the People” *The Citizen and the Constitution* program. The Multnomah Bar Foundation awarded the CLP \$25,000 to expand the program into these four schools this year.

“Making college more affordable is what the Oregon College Savings Plan is all about,” says State Treasurer Randall Edwards. “It’s always a pleasure to help these deserving students achieve their dreams of a higher education.”

Oregon Supreme Court Justice Thomas Balmer attended the ceremony at Hosford Middle School. He is also on the Board of Directors for the CLP.

MBA Executive Director Judy Edwards says, “I’m thrilled that the Oregon College Savings Plan is being so generous in recognizing students who are learning about our democracy.”



Marilyn Cover with Aaron Brown, “We the People” scholarship recipient



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