



# MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community. December 2008 Volume 54, Number 11



## Our Better Angles

By Michael Dwyer, MBA President.

It's 7 a.m. A Tuesday. Rain drips off the roof, patters the windows. We sit in our kitchens, half-dressed, sipping coffee, a full day of work ahead. The newspaper is spread out on the table, the headlines whacking us across the skull. *Suicide Bombings on Rise*

*Again. Dow Jones in Free Fall.* We turn the pages and read waves of bad news: foreclosures, rising unemployment, a chunk of ice the size of a state breaks off the polar ice cap, an infant has been abandoned.

During the course of our day we will pass people seeking handouts. Some of them will sleep outside tonight. In our offices, in the courthouse, we will encounter a stream of people who are poor, taking drugs, going through a divorce, fighting with their boss, hurting from an accident, getting taken advantage of, losing what they worked for. We head for solace to a gym, mount the treadmill, and watch the overhead televisions inject us with crises: hurricanes, police shootings, terrorist strikes.

When all we see is suffering, life looks bleak as our December sky. How much can we absorb? We shoulder so much pain and suffering in our work. Any additional doses of suffering can turn us into walking black clouds, heavy with despair and cynicism.

But so much depends on our angle of view. We have control over what we feed our minds. This is not an argument to ignore the problems of the world, but rather to exert our will over what we attend to, what we feed ourselves, in large part so that we can restore ourselves and find the capacity to continue the good fight. A diet consisting of crisis and tragedy fails to attend to the millions of stories, from all over the planet, that could bring us joy, inspire us, and heal us. They are everywhere. Pluck a handful and see if they are an antidote to the toxicity of bad news, particularly appropriate as our country heads into a bleak midwinter of hard times.

From my wife's good news file that she keeps in her desk, I look back over stories from 2008 that bring a smile.

### "stories from 2008 that bring a smile"

There's Jonathan Dunahm, walking from Portland to Venezuela with his donkey, named Judas. Students at Oregon's colleges and universities working with prison inmates. Actor Jet Li, who nearly lost his children in a tsunami and has established a foundation dedicated to disaster relief. Barber Paul Schaefer who continued cutting hair (for \$2) until he was 83 years old. The reunion of a Hutu farmer, Yohane Nkesebashira, and his son, 15 years after they were separated in Burundi and became refugees; two of the more than 8 million refugees from conflicts in the world. And Tamam Waritu, this year's commencement speaker at PSU, who not long ago arrived in America from Ethiopia speaking no English and failing classes at Jefferson High School.

For inspiration we might look to the many heroes, men and women, who have identified a problem in their communities and dedicated their lives to fixing it. We might note the work of Muhammed Yunus, who won the Nobel Peace Prize in 2006 for establishing a program of microcredit to the poor in rural Bangladesh. Or Kailash Satyarthi, who mounts raids on factories to free children in forced labor, and has established the Global March Against Child Labor. Or Mimi Silbert, who has helped 14,000 pimps, prostitutes, junkies and drug dealers through the Delancey Street Project, perhaps the most successful rehabilitation program in the country. Or Fablo Rosa, working to bring electricity and community development to rural Brazil through

### "free children in forced labor"

high-efficiency, low-cost technologies in the fields of renewable energy and agricultural science. The list could go on and on.

Here's just a few items of good news culled from recent stories:

- Elementary students in Virginia, recognizing the sacrifices veterans have made, pledged through their Pennies for Peace program to donate their own money to fund school construction in war-torn areas of Pakistan and Afghanistan, with a goal of raising \$12,000 within a few months.
- In the election, voters in California passed a proposition that mandates better treatment for farm animals and requires larger enclosures for hens, pregnant pigs, and calves raised for veal. The law requires increased space for the animals to turn around freely, lie down, stand up and fully extend their limbs.
- Just two years after Pope Benedict XVI sparked outrage among Muslims for a speech seen as linking Islam with violence, the Vatican opened historic interfaith talks with top Muslim leaders.
- The incidence of malaria in Gambia fell substantially in five years as a result of the use of insecticide-coated bed nets to protect children.

It is not necessary to look far and wide for stories that inspire. My paralegal's nephew, Brody Leach, rips line drives for his high school baseball team when he isn't playing golf or basketball on the school's squad. He doesn't give his height - 4'3" - a second thought.

It's also heartening too to know that pure zaniness is alive and well. I'm thinking here of the newspaper story I read about the two employees of Idaho Ice World who negotiated the streets of Boise in a midnight run to the drive-up window of a Burger King - in their employer's Zambonis. The dudes abide.

And finally, last month record numbers of voters in this country participated in a free election, and voted into office a man whose skin color would have once enslaved him. Not a bad step to take toward redeeming our country's original sin.

### "If we choose to see it"

Yes. If we choose to see it, we are awash in a dynamic world of love, beauty, strength, courage, and compassion. Joy flourishes. As Thich Nhat Hanh says often, the miracle is not walking on water, it is walking on this planet.

In a season of giving, let's share the good word.

## MBA CLE

To register for a CLE, please see the inserts in this issue or go to [www.mbabar.org](http://www.mbabar.org).

### December

#### Tuesday, December 2 Dealing with Difficult Clients and Opposing Counsel

Worth two Ethics Credits  
Roy Pulvers  
Rob Shlachter

#### Wednesday, December 3 Ethics and a Business Sale How to advise your client who's ready to sell

Worth two Ethics Credits  
Dean Alterman  
Allison Rhodes

#### Tuesday, December 9 Developments in Employment Law Legislation

Karen O'Connor  
Dan Grinfas

#### Wednesday, December 10 How to Deal with Injuries and Damages Arising from a Motor Vehicle Accident

Tom D'Amore  
Mark Olmsted

## January

#### Wednesday, January 21 Scientific Evidence Admissibility

Linda Eyeran  
Jonathan Hoffman

#### Tuesday, January 27 Navigating the Mortgage Crisis

Kristena Anderson  
Adam Bialosky  
Keith Karnes  
Mark Wada

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DEADLINE for copy: The 10th of the month\*  
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\*or the preceding Friday, if on a weekend.

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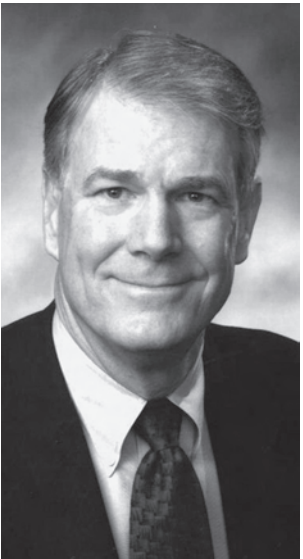
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# MEMBER RESOURCE CENTER

Welcome to the *Multnomah Lawyer* Resource Center. Please send your ideas for additional items you would like to see in this space to Judy Edwards, [judy@mbabar.org](mailto:judy@mbabar.org).

## Canon Business Solutions

MBA members receive discounts on document management solutions, digital imaging and scanning hardware. Michael Kiel serves as MBA's dedicated representative. His background in the legal profession benefits our members. You may reach him at 503.277.1128 or [mkiel@solutions.canon.com](mailto:mkiel@solutions.canon.com).

## MasterCare Solutions Long-Term Care Insurance

Through a partnership with MasterCare Solutions, the MBA now offers members long term care insurance. Members and eligible family participants have access to discounted rates and streamlined underwriting and can choose from multiple insurance companies. For more information, visit [www.mbabar.org](http://www.mbabar.org), or call the MBA's representative, Mary Osborn at 503.473.8815.

## American Bar Association Publications

MBA members receive 20% off the price of publications available on the ABA publications Web site. The ABA has a vast collection of books, magazines, journals, newsletters and e-products to help you advance your career. If you would like to take advantage of this opportunity, simply visit [www.ababooks.org](http://www.ababooks.org), select your publication and enter the MBA member source code (PAB5EMUL) when you check out.

## Discounted Web Services through Appaloosa Business Services

Appaloosa provides discounted web design services to MBA members. Appaloosa also hosts and designs the MBA Web site and has provided high quality, reliable, and affordable services and products to the legal community since 1991. Go to [www.mbabar.org/MBA\\_member-disc\\_appaloosa.htm](http://www.mbabar.org/MBA_member-disc_appaloosa.htm) for details.

## Recommended Practices for Civil Jury Trials in Multnomah County Circuit Court

Members may receive a free copy of the above publication by calling the MBA at 503.222.3275.

## State of Oregon, Oregon Court Facilities Assessment Summary Report - September 30, 2008

Members may receive a free electronic copy by request to [mba@mbabar.org](mailto:mba@mbabar.org).

## MBA Web site: Job Notices, MBA Publications, Court Documents and Links

Job notices change weekly. Members may download free copies of past issues of the newsletter, "Tips from the Bench" by topic and various handbooks and reports. Useful links take you to law-related organizations, court information and law libraries. Visit [www.mbabar.org/MBA\\_resources.htm](http://www.mbabar.org/MBA_resources.htm).

## www.mbabar.org

Additional resources and information may be found at the MBA Web site.

## NEW ON THE SHELF

*By Jacque Jurkins, Multnomah Law Librarian.*

**MAKING YOUR CASE:** The art of persuading judges by Antonin Scalia and Bryan A. Garner. Published by Thomson/West, 2008. (KF8870 S32)

**KURZBAN'S IMMIGRATION LAW SOURCEBOOK:** A comprehensive outline and reference tool, 11th ed. by Ira J. Kurzban. Published by the American Immigration Law Foundation, 2008. (KF 2819.3 K87 2008)

**THE OCDLA SEARCH & SEIZURE MANUAL,** 2008, 5th ed. edited by Bob Homan. Published by the Oregon Criminal Defense Lawyers Association, 2008. (\*KF 9630 O7 O72s 2008)

**WHITE COLLAR CRIME,** 2008. Published by the ABA, Center for Continuing Legal Education, Criminal Justice Section, 2008. (KF 9350 W42)

**HEREOF, THEREOF, AND EVERYWHEREOF:** A contrarian guide to legal drafting, 2nd ed. by Howard Darmstadter. Published by the ABA, Section of Business, 2008. (KF 250 D37 2008)

**WINNING ALTERNATIVES TO THE BILLABLE HOUR:** Strategies that work, 3rd ed. by Mark A. Robertson and James A. Calloway. Published by the ABA, Law Practice Management Section, 2007. (KF 316 R63)

**FEDERAL TAX PROCEDURE FOR ATTORNEYS** by W. Patrick Cantrell. Published by the ABA, General Practice, Solo & Small firm Division, 2008. (KF 6320 C35)

**CHALLENGING CONFLICT:** Mediation through understanding by Gary Freidman and Jack Himmelstein. Published by the ABA, Section of Dispute Resolution, 2008. (KF 9084 F75)

**REDEVELOPMENT:** Planning, law, and project implementation. A guide for practitioners edited by Brian W. Blaesser and Thomas P. Cody. Published by the ABA, Section of State & Local Government Law, 2008. (KF 5730 R43)

**INTELLECTUAL PROPERTY:** Principles governing jurisdiction in transnational disputes, as adopted and promulgated by the American Law Institute at San Francisco, May 14, 2007. Published by the ALI, 2008. (KF 2979 I57)

**THE FTC FRANCHISE RULES,** edited by Susan Grueneberg and Ann Hurwitz. Published by the ABA, Forum on Franchising, 2008. (KF 2023 F43)

**THE SURETY'S INDEMNITY AGREEMENT:** Law and practice, 2nd ed. edited by Marilyn Klinger, George J. Bachrach, and Tracey L. Haley. Published by the ABA, Tort Trial and Insurance Practice Section, 2008. (KF 1045 S87 2008)

**THE LAW OF ENVIRONMENTAL JUSTICE:** Theories and procedures to address disproportionate risks 2nd ed. edited by Michael B. Gerrard and Sheila R. Foster. Published by the ABA, Section of Environment, Energy, and Resources, 2008. (KF 3775 L39 2008)

**OCEAN AND COASTAL LAW AND POLICY** edited by Donald C. Baur, Tim Eichenberg and Michael Sutton. Published by the ABA, Section of Environment, Energy, and Resources, 2008. (KF5672 O24)

# CALENDAR

For a complete MBA calendar, please visit [www.mbabar.org](http://www.mbabar.org).

## December

**9 Tuesday, MBA CLE Developments in Employment Law and Legislation**  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

**Tuesday, YLS Drop in Social and Toy Drive at Aura**  
See p. 10 for details.

**10 Wednesday, January 2009 Multnomah Lawyer deadline**

**Wednesday, MBA CLE Motor Vehicle Accident Injuries and Damages**  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

**16 Tuesday, YLS Board meeting**

**17 Wednesday, MBF Board meeting**

**25-26 Thursday-Friday, Holiday MBA closed**

## January 2009

**1-2 Thursday-Friday, Holiday MBA closed**

**6 Tuesday, MBA Board meeting**

**8 Thursday, YLS Social and Portland Art Museum Tour**  
See p. 10 for details.

**9 Friday, February Multnomah Lawyer deadline**

**15 Thursday, YLS Pro Bono Fundraiser at Square Deal Wine Company**  
See p. 10 for details.

**19 Monday, Martin Luther King Jr. Day – MBA closed**

**20 Tuesday, YLS Board meeting**

**21 Wednesday, MBA CLE Scientific Evidence Admissibility**  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

## February

**3 Tuesday, MBA Board meeting**

**7 Saturday, YOUTHFILM kickoff**  
See p. 10 for details.

**Saturday, WinterSmash at 20<sup>th</sup> Century Lanes**  
See p. 7 for details.

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Attorneys seeking CLE credit before the end of the year may obtain self study materials on CD ROM at a discount. See the flyer enclosed in this issue of the *Multnomah Lawyer*.



# Ethics Focus

By Mark J. Fucile, Fucile & Reising.

## Lateral Hiring: The Screening Rule



Back in the “old days,” lawyers often stayed at one firm throughout their careers. In today’s economic environment, by contrast, lateral movement of lawyers between firms has become the norm rather than the exception. Along with “migrating lawyers,” however, has come the potential problem of “migrating conflicts.” That’s where Oregon’s innovative lateral-hire screening rule, RPC 1.10(c), can be of great benefit to law firms. In this column, we’ll first look at the problem and then examine the solution. Although our focus will be on lateral movement in private practice, RPCs 1.11 and 1.12 offer similar screening solutions for governmental and judicial positions.

### The Problem

When a lawyer leaves a firm, the “old” firm’s clients become the lawyer’s former clients. Under RPC 1.9, most former clients do not present former client *conflicts* in this context because the lawyer making the change may not have done any work personally for the former client at the old firm or was not otherwise privy to the former client’s confidential information. In that circumstance, the lawyer can oppose the former client at the “new” firm without screening or a conflict waiver.

If the lawyer worked on a matter for a former client at the old firm (or otherwise obtained the former client’s material confidential information) and the new firm is on the other side of that same matter, however, then the lawyer will bring the lawyer’s former client conflict to the new firm under RPC 1.10(a)’s “firm unit rule.” Such conflicts are generally waivable, but screening usually provides a more practical solution. Under RPC 1.10(c), the new lawyer’s conflict will not be imputed to the firm as a whole if the lawyer is both timely screened and the screen is maintained throughout the duration of the matter involved. Absent a waiver or a screen, however, the new firm would be at risk of disqualification and other conflict-related penalties.

### The Solution

There are typically five steps to implementing a screen in the new-hire context. Ideally, a screen should be implemented before a new-hire begins substantive work at the new firm.

*First*, the new firm should obtain a list of clients and matters the lawyer was actively working on at the old firm (to the extent that such matters may be disclosed under the confidentiality rule, RPC 1.6). The new firm should then run that information through its conflict system to determine whether there are, in fact, any conflicts.

*Second*, if there is a conflict, the new-hire must execute an affidavit mirroring RPC 1.10(c)(1) and attesting that the new-hire will not participate in the conflicting matter and will not discuss that matter with the new firm. Additional measures such as file restrictions may be appropriate in some instances, but the thrust of the rule (and the definition of “screening” under RPC 1.0(n)) is to prevent the transfer of confidential information that the lawyer learned at the old firm to the new firm.

*Third*, the new firm must advise its personnel of the new-hire, the screen and that they should not discuss the matter involved with the new-hire. RPC 1.10(c) is phrased in terms of firm “members,” with “members” not defined. To be on the safe side, it is prudent to at least notify all personnel (lawyers and staff) at any Oregon offices and at least lawyers at any firm offices outside Oregon. (Not all states have screening. Washington, for example, does but Idaho doesn’t for lateral movement in private practice. At least for a lawyer moving laterally within Oregon, however, the RPCs’ choice-of-law rule - RPC 8.5(b) - should make Oregon law applicable even if the firm has multistate offices.) The internal notice can be by email and should be preserved in the event that there are any questions regarding the screen later.

*Fourth*, a lawyer at the new firm must execute an affidavit mirroring RPC 1.10(c)(2) and attesting that the new lawyer has been screened and that the screen has been communicated internally at the firm. Both the new-hire’s affidavit and the supervising lawyer’s affidavit are then served on the old firm.

# ANNOUNCEMENTS

## Multnomah Bar Foundation Year-end Giving

Please consider making a donation to the Multnomah Bar Foundation and help it increase its ability to fund civics education and participation projects in the greater Portland area. An article on p. 9 provides more information and an insert inside this issue makes it easy to donate.

## Annual Willamette Give!Guide Helps 55 Local Nonprofits

Publisher Richard H. Meeker announces the *Willamette Week’s* fifth annual Give!Guide, which makes donating to nonprofits easy. Plus, anyone who gives more than \$25 will receive an envelope containing “all manner of goodies.” And, if you give more, you get even better prizes, while supporting worthy charitable organizations. The 2007 guide raised more than \$518,000. More information at [www.giveguide.oaktree.com](http://www.giveguide.oaktree.com).

## Commitment to Professionalism

The professionalism statement developed by the MBA Professionalism Committee

is available for MBA members to order and display in their offices. The statement is printed on quality 11” x 14” parchment paper and suitable for framing. Reconfirm your commitment to professionalism; order your free professionalism statement at [www.mbabar.org/docs/Profcertorder.pdf](http://www.mbabar.org/docs/Profcertorder.pdf).

## Child Centered Solutions Presents Joan B. Kelly, Ph.D.

Parenting Coordination: What is it, who needs it, and how does it work? Friday, December 12, 9 a.m.-4:30 p.m. at the World Trade Center in Portland. For more information or to register, visit [www.childcenteredsolutions.org](http://www.childcenteredsolutions.org).

## OGALLA October Fundraiser Great Success

The Oregon Gay and Lesbian Law Association (OGALLA) held its annual dinner and silent auction, a fundraising event for the Bill and Ann Shepherd Scholarship Fund, which grants scholarships to law students who are committed to advancing the rights of gay, lesbian, bisexual and transgendered people. Thanks in part to the generosity of donors who provided items for the auction, the spirited participation of the guests, and the eloquence

of the keynote speaker, Jon W. Davidson of Lambda Legal, the dinner was OGALLA’s most successful fundraising event ever. OGALLA was able to collect almost \$3,000 for the Shepherd Scholarship Fund and make an additional donation to California’s No on Prop 8 Committee. OGALLA also honored attorney Beth A. Allen, who has long-served the LGBT community, with an Award of Merit.

## Oregon’s 150<sup>th</sup> Birthday Celebration April 15-18, 2009

The celebration has been scheduled. The MBA would like to hear from all members who would like to be involved in the planning process. If you have ideas to share or would like to participate in any way, please contact Carol Hawkins, [carol@mbabar.org](mailto:carol@mbabar.org).

## MBA Noon Time 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 at 503.228.5222 with questions, or meet at the start.

## MULTNOMAH BAR ASSOCIATION

# Pro Bono Pledge

Take a matter that matters

The following firms signed the 2008 Pro Bono Pledge for law firms. In January, firms and individuals will be asked to reconfirm their commitment by signing the 2009 pledge. For more information and to sign the pledge, visit [www.mbabar.org/MBA\\_Pro\\_Bono.htm](http://www.mbabar.org/MBA_Pro_Bono.htm).

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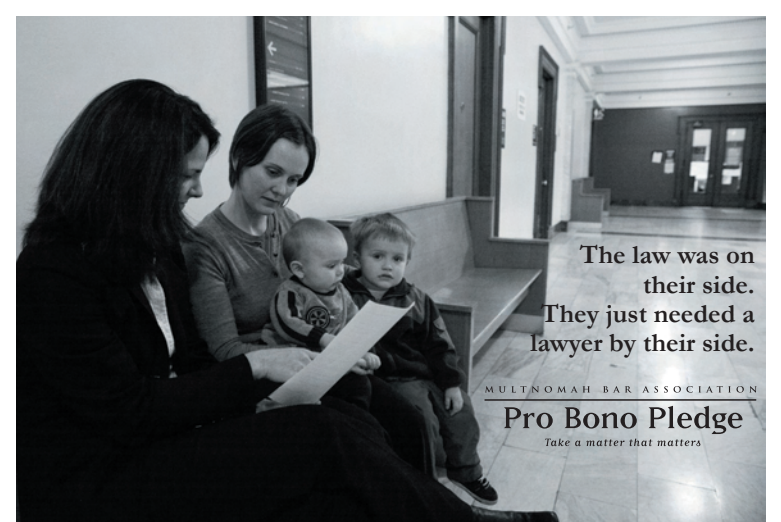
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*Fifth*, the screen must be maintained through the duration of the matter involved. RPC 1.10(c) allows the old firm to request additional affidavits from both the new-hire and the new firm at the conclusion of the representation attesting that the screen was maintained.

### Summing Up

Screening isn’t an everyday occurrence, even as lateral movement of lawyers in private practice has become more common. But, when you need it, Oregon’s screening rule provides a very practical and effective tool to handle conflicts arising when lawyers move laterally.

*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](mailto:Mark@frllp.com).*



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## In Memoriam - Thomas B. Stoel October 27, 1913 - September 27, 2008



**Thomas B. Stoel**, of Stoel Rives, died after a brief bout with pneumonia. He was born in Clayton, N.Y. Tutored at home by an older sister, he entered the third grade at the age of five. He graduated from high school at 15. He entered Hobart College at 16 on a New York Regents Scholarship, and went on to attend Duke Law

School, also on a scholarship. He met his future wife Caroline Phillips there. Another classmate was future President Richard Nixon.

After graduating from law school in 1937, Tom moved to Portland, where he was recruited to join Carey, Hart, Spencer and McCulloch. Caroline moved to Oregon in 1938, and the couple was married. Their marriage lasted nearly 69 years; his wife predeceased him in March 2007. They had four children.

He served in the US Navy from 1944-46 as an officer aboard troop transports and as the commander of Armed Guard contingents on merchant ships in the Pacific theater.

Tom had a long and distinguished career in the law firm he'd joined, which is now known as Stoel Rives LLP. In five years, he was a partner in the firm, where he practiced

business and tax law. During the 1950s, he declined an offer from the Eisenhower administration to become a judge of the US Tax Court, in part to avoid leaving his family to hear cases.

Known as a gentle, gracious, thoughtful and intelligent person who cared for others, he was renowned for respecting others' thought and perspectives. He mentored many younger lawyers. His clients respected his integrity.

While at Stoel Rives, Tom supported the hiring of women and all other minorities – his own wife had been denied the ability to practice law when she came to Portland.

For his involvement with Willamette University, the College of Law established a Thomas B. Stoel Professorship, an endowed chair in the college.

Tom was well known for his many contributions to Portland Civic Theater, The Portland Art Museum, the Natural Resources Defense Council. Some of the other organizations in which he served or was involved include City Club of Portland and Metropolitan Family Service. He was presented with many awards in his lifetime attesting to his generous service to the public.

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## Another Successful Absolutely Social

About 250 lawyers, judges, sponsors and law school students gathered at the University Club on October 21 for the fall "Absolutely Social" Social - The Grape Escape. The event featured wine tastings from three Oregon wineries. Thank you to Albert Menashe and Matt Levin for selecting the wines. Canned food and cash donations were collected for the Oregon Food Bank - thanks to all those who contributed!

### Thank you to the generous sponsors

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## MBA Thanks Committee Members

Thank you to all of this year's MBA Committee members who devote their time and energy to make all of the MBA projects and programs possible.

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## MBA Presses for a New Multnomah County Courthouse

MBA representatives have met with Multnomah County Commissioners and their staffs for several years to discuss the conditions of the current Multnomah County Courthouse and the need for a new facility.

The cost of a new county courthouse has been estimated at approximately \$200 million and construction experts tell us that the costs for this type of building are going up approximately \$1 million per month.

### Recap of 2008 MBA Efforts Polling of Likely Multnomah County Voters

The MBA Courthouse Committee hired Conklin Fiskum & McCormick (CFM) to conduct a survey of likely voters to determine what support there would be for a general obligation bond measure to build a new courthouse. The strategy for the poll called for a

progression of questions, beginning with the person's knowledge of the courthouse and level of support for a bond measure, followed by information about the current conditions and capacity and then reassessing the voter's support for a property tax measure. The results were very clear. The percentage of surveyed likely voters who would support a bond measure was considerably below the level that would make it possible to move forward with a bond measure campaign.

### Awareness Campaign

Continuing to work with CFM, the committee is implementing strategies for increasing awareness of the need for a new courthouse with state legislators, other elected officials and business organizations.

### Funding Option

One option includes the Multnomah County

Commissioners' resolution to ask the state legislature to "lift statutory prohibitions on charging and collecting document recording fees and/or other revenue sources, to change the current or future distribution formula of such fees and to direct portions of the revenue toward construction and maintenance of court facilities." Essentially saying to the legislature, "please help us help ourselves." The MBA Board of Directors voted to endorse the county's resolution and is urging business groups to support the legislative proposal. In addition to the MBA, the OSB, Oregon District Attorneys, Association of Oregon Counties, Oregon State Building and Construction Trades Council and the Public Safety Coordinating Council of Multnomah County have all endorsed the county's resolution.



# AROUND THE BAR



Haley Bjerk

by the Strauss Institute for Dispute Resolution, Pepperdine University School of Law and has been appointed as an arbitrator by the Financial Industry Regulatory Authority and is on the arbitration panels of the Arbitration Service of Portland and the Multnomah, Clackamas and Washington County Circuit Courts. He also serves as a judge pro tem for Multnomah County Circuit Court.



Lisa Kaner

also has served for 12 years as a board member and officer for the Oregon Area Jewish Committee.

Kaner accepted the Special Recognition Award at the Judge Learned Hand Award Luncheon, held at The Benson Hotel in Portland, where Brian Booth of Tonkon Torp LLP received the Judge Learned Hand Lifetime Achievement Award.

Lisa Kaner's practice areas include securities litigation, complex contract disputes, business fraud, insurance coverage, and employment. Over the past decade, she has obtained multi-million dollar judgments and settlements, and defeated like-size claims.

*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.*



Craig Foster

#### TONKON TORP

Haley Bjerk and Craig Foster joined the firm's business department, where they will work on corporate finance and general business matters.



Todd Beutler

**LANE POWELL**  
**Todd M. Beutler** has been elected to shareholder.

Beutler has an internationally oriented practice focused on sophisticated tax, business and estate planning for a broad range of public and private companies, family businesses and high net worth individuals, with an emphasis on tax, trust and estate controversy matters.

**MARKOWTZ HERBOLD ET AL** Oregon Area Jewish Committee presented a Special Recognition Award to **Lisa Kaner**, a business litigator and shareholder with the firm, for her considerable work in the community.

Kaner served as chair and legal counsel for the Oregon Holocaust Memorial Coalition, guiding the memorial through a heated six-year legal battle. She co-chaired the Portland exhibition of *Anne Frank: A History for Today*, which was visited by more than 60,000 people in 2002. She



Chuck Corrigan

#### CHUCK CORRIGAN

Chuck Corrigan has completed the course "Mediating the Litigated Case," presented

## CLE Seminar Addresses Injuries and Damages Arising from a Motor Vehicle Accident

By J.R. Weiss, MBA CLE Committee member.

Wednesday, December 10, the MBA hosts a two-hour seminar designed to assist practitioners in assessing injuries and damages resulting from a motor vehicle accident. The presenters, Tom D'Amore and Mark Olmsted, will address, in detail, pleading and proving injury claims, UM/UIM claims and PIP claims, third-party negligence claims (including ERISA governed plans) and time permitting, diminished value claims.

While pleading your client's damages may be relatively straightforward, proving them can be quite difficult. This seminar will guide you through the process, from low-speed, soft-tissue injury cases to catastrophic injury cases. The presenters will address these claims from both the plaintiff and defense perspective.

The presenters will also discuss how to best deal with other damage-related issues, including how to properly and effectively plead and prove a UM/UIM claim and how to address potential third-party negligence claims. The issue of third-party claims can have a dramatic effect on a case. Attendees will learn how to identify and address these issues early on in the process. If time allows, the presenters may also discuss the presentation of diminished value claims.

For more information about the class, see the CLE insert in this issue of the *Multnomah Lawyer*.

## MBA Seeks 2009 MBA Professionalism Award Nominations

The MBA Professionalism Committee invites member nominations 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.

Past recipients include **Raymond Conboy, Thomas H. Tongue, Randall B. Kester, Frank Noonan Jr., Donald W. McEwen, Don H. Marmaduke, Noreen K. Saltveit McGraw, Thomas E. Cooney, John D. Ryan, George H. Fraser, Barrie Herbold, Walter H. Sweek, Daniel E. O'Leary, Mark R. Wada, Sandra A. Hansberger, Robert C. Weaver, Walter H. Grebe, Susan M. Hammer, Carl R. Neil and Jeffrey M. Batchelor.**

Nominations are due by **Friday, January 2**. Please look for the nomination form inside this issue and at [www.mbabar.org](http://www.mbabar.org).

### Multnomah Bar Association 7th Annual wintersmash saturday, february 7 6-9 p.m.

20th Century Lanes  
3350 SE 92nd  
10 minutes from downtown Portland  
A Multnomah CourtCare fundraiser



Mark your calendar, gather your team and look for more details in the January issue of the Multnomah Lawyer.

If you would like to sponsor the event or donate a raffle item, please contact Kathy Maloney at the MBA at 503.222.3275 or [kathy@mbabar.org](mailto:kathy@mbabar.org).



Thom Brown presents the 2008 MBA Professionalism Award to Jeff Batchelor



# Tips from the Bench

By Judge Maureen McKnight, Multnomah County Circuit Court.

## I'll Take "Starts With 'S'" For \$400, Alex

This article addresses family law issues, a topic which will appear regularly in this column on a rotating basis. Today's column is a hodgepodge of news and developments.

**Answer 1:** What supervised visitation program that has operated since 2003 has now lost its federal funding and will almost certainly need to close its doors in early 2009?

**Question 1: What is Safety Matters?** The Multnomah County Department of Human Services was notified that its recent renewal application for this grant was not approved by the federal Department of Justice. With only a small amount of county funding intended to bridge costs until renewal, Safety Matters will now very probably close in early 2009. It has been operated by the YWCA on contract with the county and is located at the Gateway Children's Receiving Center. The program offers both supervised visits and safe exchanges for families in Multnomah and Clackamas counties with domestic violence issues. Fees are charged on a sliding scale and over 260 families have been served over the last three years. The closure of the program will be a very significant resource loss to the family court.

**Answer 2:** What federal law was recently amended to broaden its applicability to temporary family court orders?

**Question 2: What is the Servicemembers Civil Relief Act (SCRA)?** Practitioners are familiar with the Department of Defense Web site (<https://www.dmdc.osd.mil/scra/owa/home>) that can be accessed to verify military status for purposes of motions for default. Attorneys and judges, however, are just beginning to address the practice issues resulting from Iraq-War-prompted amendments to SCRA that define a "judgment" as "any judgment, decree, order, or ruling, final or temporary." 50 U.S.C. Appx '511(9) (emphasis added).

This change has necessitated an examination of procedure and forms in FAPA cases and other protective proceedings but the federal act affects all non-criminal temporary orders. The bottom line is that SCRA provisions regarding default affidavits, stays, and appointment of counsel now apply to temporary relief, not just final/general judgments. In light of these and other changes, the OSB Military Assistance Panel and the Professional Liability Fund are sponsoring a half-day CLE on SCRA on March 6, 2009, at the OSB office.



**Answer 3:** What new provision effective in February 2009 will require family law attorneys to serve a copy of a proposed order on the adverse party and wait 14 days before submission of an order, where the motion is not stipulated or docketed for hearing?

**Question 3: What is Supplemental Local Rule 8.041(4)?** This new rule was drafted to deal with the significant numbers of potentially contested motions routed to Family Court judges for signature that are not set for hearings and for which no response time is provided. Typically, these are motions for telephone testimony, postponement, change of venue, vacate/reinstatement, etc. *Ex parte* appearances will remain permissible where specifically allowed by law, but unless other motions are stipulated or set for hearing, an attorney must serve the motion and proposed order on the adverse side with a notice informing that party of a 14 day response period.

If no response is timely filed, after the 17<sup>th</sup> day the movant may submit the original proposed order by mail or *at ex parte* time (8:30 a.m. or 1:30 p.m.) for judicial signature, along with a certificate attesting to compliance with this rule. Other rule changes effective in February 2009 include *ex parte* practice and matters exceeding 30 minutes set on the FAPA and child support dockets. All these rules are available for viewing on the court's public Web site (<http://www.ojd.state.or.us/mul/Family.html>). Click on the "LFLAC SLR Chapter 8" link.

**Answer 4:** What type of cases constitute over 80% of the family law filings?

**Question 4:** What are cases involving *self-represented litigants*? Many of these cases proceed by default but we are all aware of the significant numbers of individuals appearing in courtrooms without attorneys. Future articles will address some of the local and statewide initiatives developing in response.



By Todd Van Ryssleberghe, Court Liaison Committee member.

## Presiding Judge's Report

A statewide assessment of county courthouses was recently completed. Forty-eight courthouse facilities were evaluated for ADA accommodations, safety and security. The Multnomah County Courthouse was ranked 38<sup>th</sup> overall and last in the area of security.

The main reason the courthouse was ranked last for security has to do primarily with the layout of the courthouse. There are also seismic issues. The circuit court has hired Barry Jennings, former Director of Emergency Operations in the Fairbanks-Northstar Borough, Alaska, to coordinate security and emergency functions. He began work on November 3.

Members may receive an electronic copy of the 290 page statewide courthouse facilities report by request to [mba@mbabar.org](mailto:mba@mbabar.org).

The Joint Committee on Trial Court Judicial Resources completed its report (known as the Willis Report) on recommendations for additional judicial positions throughout the state. The committee recommended four new judge positions in Multnomah County that are staggered, with the first coming as priority six on a statewide list of 13 recommended positions. Space for additional

judges will be a challenge if the East County Justice Center is not built. The court currently has two judges with chambers only and without permanently assigned courtrooms. These judges rotate to available courtrooms each day.

Judge Maurer spoke about two ballot measures that were presented to voters in the last election. Ballot Measure 61 proposed mandatory minimum sentencing and was defeated. However, Ballot Measure 57 proposed increasing jail time for property and drug offenses and was passed. It is expected to have a significant effect on the court's ability to process cases. If it causes more criminal cases to go to trial, the court will be required to give the criminal cases priority over civil cases when assignments are made.

Some civil cases may not go forward when scheduled. So far this year, the presiding court has been successful in getting civil cases assigned out. This may change under Measure 57.

Multnomah County is still considering options for building the East County Justice Facility. The original plans were determined to have doubled in cost since the project was first proposed. The county is now considering three scaled down options. Whether the county can

afford the new facility remains a question. If the county moves forward, it is estimated to take two years to build the facility.

Judge Maurer expressed her willingness to meet with law firms and groups of sole practitioners to discuss matters relating to the functions of the court. Interested groups may contact her staff.

## Tips from the Bench

The judges who agreed to share tips from the bench are committed to responding to questions from attorneys. Questions can be submitted through the MBA Web site.

## eFiling/eCourt Training

Doug Bray informed the committee about a presentation that is available on the Oregon eCourt Program and to introduce the new e-filing procedures which are available for the Supreme Court and very soon for the court of appeals. Efforts will be made to schedule a joint meeting of the MBA Board to review the presentation with the committee.

## January Meeting Date

Due to the holiday schedule, the January meeting will be held on Friday, January 9, 2009.

# Judicial Outreach Activities

The Multnomah County Circuit Court Judicial Outreach Committee hosted its seventh annual open house for Portland metro area state legislators in November. The annual programs are dedicated to informing legislators about court administration and the Multnomah County Circuit Court. This year's program focused on the impact of Measure 57 and the Chief Justice's Oregon eCourt Program.

## Impact of Measure 57 on the Courts

The impact of Measure 57 on the courts was demonstrated with skits focusing on two

separate fictitious scenarios. One featured a young woman, "Miss Sunnybrook" portrayed by Judge Maurer, who had a prior conviction of forgery

and was recently arrested for riding in a stolen vehicle. She was raising two young children

*Continued on page 11*



Judge Richard Baldwin and Presiding Judge Maurer led the open house discussion



# Profile - Judge Julie Frantz Multnomah County Circuit Court

By Mark Peterson, MBA Court Liaison Committee member.

**J**udge Julie Frantz has served approximately 10 years as Chief Criminal Judge for Multnomah County. In that role she works with the interested entities, locally and statewide, to make the adjudication process for criminal law cases work as efficiently as possible while serving the needs of the community.

**“appreciates the degree of professionalism and collaboration”**

Judge Frantz appreciates the degree of professionalism and collaboration she experiences in the many meetings with representatives from the district attorney’s office, public defender and other criminal justice partners. She also chairs the state Criminal Justice Advisory Committee, which entails a significant number of trips to Salem. When the state was running out of money to pay for indigent defense a few years ago, the work of the advisory committee was instrumental in keeping the system from imploding while eventually securing additional funds from the legislature.

In addition to her role in working with key participants, locally and statewide, to examine proposals to improve the efficiency and ensure fairness of criminal litigation while promoting public safety, Judge Frantz remains connected to a judge’s routine workload of resolving the criminal cases on her daily docket.

One innovation she is especially proud of is a mental health court, into which appropriate criminal defendants can be diverted to get treatment. Judge Frantz notes that the state’s correction facilities are often referred to as the largest mental health facility in the state, with about a third of the inmates having Axis I diagnoses. Mental health issues are often involved in defendants’ criminal activities. Such defendants will likely re-offend if they are convicted, incarcerated, and eventually released without appropriate treatment.

Judge Frantz’s values were forged by coming of age during the civil rights movement and the civil unrest over the Vietnam War. In the summer following her freshman year at Stanford (B.A. English, 1971), she was involved with Open Future, a program wherein disadvantaged students were housed in campus dormitories and given a pre-college camp experience.

A friend’s father arranged for her to watch a federal circuit court argument in San Francisco and, as a part of the day’s activities, Judge Frantz ventured into a trial presided over by Shirley Hufstедler, who likely would have been the first woman appointed to the Supreme Court if Jimmy Carter had been re-elected. That experience and the chance to advocate for those in our society whose voices were not being heard led Judge Frantz to law school at Lewis & Clark.

Following graduation in 1975, she served five years with Metropolitan Public

Defenders. A desire to take on new challenges in 1982 led to a 12-year association with Holmes, DeFrancq, and Schulte, a civil litigation firm with, Judge Frantz notes, “an AAA reputation for ethics.” Judge Frantz handled primarily insurance defense cases but also had a mix of plaintiffs’ and pro bono cases. During one year Judge Frantz tried nine cases to a jury verdict. In 1986, Judge Frantz became a shareholder with the firm.

In 1992, Judge Frantz became president of the Oregon State Bar, the first woman to serve in that role. Under her leadership the OSB focused access to justice,

**“president of the Oregon State Bar, the first woman to serve in that role”**

and on improving diversity in appointments to bar sections and continuing legal education presentations. It was an eventful year. While maintaining her practice, attending to numerous duties with the OSB, including visits to nearly all the county bar associations in the state, Judge Frantz and her husband adopted a baby boy to join their daughter in their family.

Judge Frantz is mindful that even routine matters are, for the persons who come before her, the most important thing going on in their lives. She tries to build trust in the justice system by treating litigants with respect, compassion, and fairness; listening carefully; and explaining her ruling.

Noting that a judge is a judge both on and off the bench, Judge Frantz tries to serve as a representative of the justice system to the community. Seeing the work of her office as a responsibility and a privilege, Judge Frantz has previously served as president of the Circuit Court Judges Association and chair of the MBA Judicial Screening Committee, president of the Oregon Law Foundation, Vice Chair of the Judicial Conduct Committee, member of the OSB Board of Governors, as well as on the boards of Legal Aid and the State Public Defenders, the Campaign for Equal Justice, the Classroom Law Project and Girl Scouts Beyond Bars.

She has served as an adjunct professor of law, teaching trial practice at Lewis & Clark Law School and on the faculty of the New Judges College. In 2008, Judges Frantz and Ellen Rosenblum were instrumental in Portland’s hosting of the 30<sup>th</sup> annual meeting of the National Association of Women Judges.

Other volunteer activities have included a term as Chair of the Board of Visitors of Lewis & Clark Law School, President of the Board of Trustees of Oregon Episcopal School, and board member for the I Have a Dream Foundation. Judge Frantz has served as a high school mock trial coach and an MBA mentor. She has for many years had a regular route for Meals on Wheels, bringing conversation, and occasionally the company of her children, as well as nutrition to her “clients.” Judge Frantz



Judge Julie Frantz

and her family enjoy traveling and she recounts a meaningful summer volunteer experience at an orphanage and in foster homes in Costa Rica through Cross-Cultural Solutions.

Judge Frantz received the 2007 Fred Stickel Public Sector Award, the MBA’s Award of Merit, Lewis & Clark Law School’s Distinguished Graduate Award, the Women’s Political Caucus’ ‘Achievement’ Award, Oregon Episcopal School’s Drinkward Award for trustee excellence and Multnomah County’s STOP! Domestic Violence Award.

On a different note, Judge Frantz is proud of competing for and winning the title as the first State of Oregon Woman’s Racquetball Champion in 1977. A series of knee surgeries has ruled out competitive racquetball, but

**“first State of Oregon Woman’s Racquetball Champion”**

Judge Frantz is able to channel her competitive impulses to the cribbage board with occasional games against her former racquetball foe and former colleague on the Circuit Court bench, Judge Ancer Haggerty.

## Help Keep Democracy Alive!

### Please consider a year-end gift to the Multnomah Bar Foundation (MBF)

By Karen L. Norris, MBF Development Coordinator.

Entering the final weeks of 2008, it is time to reflect on another year gone by. For many, 2008 may be remembered for personal accomplishments and family milestones, maybe the birth of a child or a marriage, law-school graduation or passing the bar, cases won or lost, or a well-deserved promotion. While we will all mark the year with our individual remembrances, the nation will remember 2008 as the year democracy was reborn.

In recent years, more and more citizens became disengaged from the democratic process and felt little connection to civic affairs. Democracy suffered from apathy, distrust and decreasing participation. However, 2008 saw an astounding surge in political interest. Across all political affiliations, citizens of all ages and backgrounds volunteered

for the first time, made their first campaign contribution or cast their first ballot.

Oregon voter registration set a record in 2008 with 2.14 million Oregonians registered to vote. This included 200,000 new, first-time registrations; half of which were under age 30. A near-record 1,835,257 votes were cast in the general election representing 84% of registered voters. Citizens across the nation also went to the polls in record numbers; more than 130 million votes were cast, the highest turnout ever. Upward of 21.6 million voters were ages 18 to 29.

So what is next? As we enter 2009 and settle into a new era, how do we capture and sustain this rekindled appreciation of democracy? How do we build upon the fervor and excitement

of the last year? How do we keep democracy alive?

The Multnomah Bar Foundation is prepared to meet this challenge by expanding its work to promote civics education and participation and support law-related education programs. While great strides have been made this year, the MBF knows that there is still a vital need for civics education programming. Surveys continue to show a lack of fundamental knowledge among the public about core democratic concepts and the Constitution.

Through grants to support community law and civics programs and partnerships with like-minded organizations, the MBF stands ready to take the

**“So let us summon a new spirit of patriotism, of service and responsibility where each of us resolve to pitch in and work harder and look after not only ourselves, but each other.”**

**- President-elect Barack Obama,  
November 4, 2008**

next step, sustain the momentum and keep democracy alive. All we need is you.

Your year-end gift to the Multnomah Bar Foundation is essential to this work. The day-to-day operation of the MBF, its community activities and annual grants are entirely supported by donations from the legal community. In the spirit of all

that has happened in 2008 and what it has meant to you, please consider making a contribution to the MBF.

To donate, complete the enclosed insert or donate online at [www.mbaf.org/foundation.htm](http://www.mbaf.org/foundation.htm). All contributions are fully tax-deductible. For questions about donating, contact Karen Norris at 503.222.3275 or [karen@mbaf.org](mailto:karen@mbaf.org).



## Sustainability at the Office

Submitted by Collin C. McKean of Gevurtz Menashe et al on behalf of the YLS Futures Committee, which encourages YLS members to help lead their employers to a more sustainable future. Contact the YLS Futures Committee at [futures@mbabar.org](mailto:futures@mbabar.org) for additional assistance.

“Green business ... sustainable business ... carbon footprint.” The list goes on, but the use of such labels reflects a building trend in our business environment which challenges the notion that a firm’s bottom line disconnected from a commitment to sustainable business practices. Here in Portland, professionals boast about the quality of life and a growing commitment to sustainability. Many young professionals choosing to live and work in Portland base this decision, in part, on the environment of sustainability that is being created here.

In many cases, consumers of our legal services may also be inclined to choose legal service providers based, in part, on their carbon footprint ... at least that is what some local firms such as Schwabe, Williamson & Wyatt, Stoll Berne and Stoel Rives are betting. These firms and others, prominently incorporate a commitment to sustainability with their online presence. While the foregoing firms meld their commitment to a sustainable future with their marketing strategy, other Oregon firms are less vocal, but nonetheless actively increase employee morale by taking steps to reduce their carbon footprint.

For a small office or boutique firm seeking to adopt sustainable office practices, the assistance of sustainability experts can be essential. When the Portland firm Bodyfelt Mount began greening its office practices, they enlisted the assistance of the Recycle at Work Program and the BEST Business Center (BEST) at the City of

Portland’s Office of Sustainable Development. The BEST and the Recycle at Work Program (RAWP) are free resources committed to assisting Portland businesses with comprehensive and hands-on technical expertise in implementing sustainable office practices. Working together, BEST and RAWP conduct an initial audit of business practices and then help businesses identify possible improvements. To implement improvements in your business, BEST and RAWP provide access to conservation experts and also educate employees on sustainability issues.

Having worked directly with RAWP, Pam Stendahl of Bodyfelt notes education is important in maintaining a sustainable office environment. She credits RAWP’s help and willingness to give onsite brown bag CLEs in making her office more sustainable. Pam mentions many changes, including developing first-hand relationships with waste and recycling haulers, establishing a battery recycling depository, choosing reusable utensils over disposables, rethinking firm purchases, reducing energy use after hours, offering employee incentives for alternative transportation to work including access to Zipcar for travel during business hours, being paper smart and remaining committed to educating employees about firm efforts to become more sustainable.

Regardless of the purpose for adding sustainability to your office ethic, BEST and RAWP stand ready and available to assist you in changing the way business is handled at your office. For



offices located outside Portland, the RAWP’s Web site references sister recycling programs for businesses in Beaverton, East Multnomah, Clackamas and Washington counties.

There is a growing list of sustainable business resources to assist all Oregon firms. In addition to those identified above consider visiting the Oregon based Center for Earth Leadership and the ABA Standing Committee on Environmental Law’s Web site for a Sustainable Law Office for more ideas and resources.

**Helpful Links:**  
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## October Social Sponsored by Brooksby Kaempf

The October 7 YLS Drop-in social, organized by the YLS Membership Committee and generously sponsored by Brooksby Kaempf PC, brought together approximately 50 of Portland’s finest young attorneys, or just those young attorneys seeking fellowship and a networking opportunity on a Thursday evening. Thirsty Lion provided food and drink, while attendees traded war stories, advice and general updates regarding the Portland legal community.



Matt Jenkins, Andrew Harris and Tyler Volm at the October YLS Social

celebrate the season  
at the YLS drop-in social  
and toy drive

Tuesday, December 9  
Aura, 1022 W Burnside  
5:30-7 p.m.

Bring a new, unwrapped toy for Toys for Tots and help bring holiday cheer to children in our area.

## YLS Guided Tour of Wild Beauty Exhibit at the Portland Art Museum

The YLS Membership Committee, Schwabe Williamson & Wyatt, and Littler Mendelson, PC will sponsor a tour of the Portland Art Museum’s special exhibit on photography of the Columbia Gorge. At 6:30 pm, on Thursday, January 8, 2009, MBA YLS members will tour the exhibit, Wild Beauty: Photographs of the Columbia River Gorge, 1867-1957, with museum experts providing commentary and explanations. Before the tour, at 5:30 pm at Southpark Wine Bar, MBA YLS members can meet John Laursen, one of the authors of the book, Wild Beauty, on which the museum exhibit is based. Appetizers will be provided courtesy of Schwabe Williamson & Wyatt and Littler Mendelson, PC.

Please join us on January 8 to socialize, meet new people and learn about great Northwest photography. The Portland Art Museum is located at 1219 SW Park Ave., in downtown Portland on the west side of the South Park blocks. Southpark Seafood Grill & Wine Bar is located at 901 SW Salmon St. at the corner of Park Avenue. We will leave Southpark for the Museum at 6:15 p.m. to walk the three blocks south to the museum.

There is no charge for the event, but the event is limited to 50 people. To reserve your spot, please RSVP by December 23 to Kathy Maloney at [kathy@mbabar.org](mailto:kathy@mbabar.org) or 503.222.3275.

## YLS Community Service Days planned for the Blanchet House

The YLS Service to the Public Committee invites you to get involved in the community this holiday season and learn about a wonderful local organization - the Blanchet House of Hospitality ([www.blanchethouse.org](http://www.blanchethouse.org)). Since 1952, Blanchet House has provided a variety of resources to individuals who are homeless or who are in recovery. Located at 340 NW Glisan St., Blanchet House is one of three Blanchet organization sites serving individuals in the Portland area.

The YLS Service to the Public Committee has arranged two opportunities for YLS volunteers to serve meals at the Blanchet House:

1. Dinner on Saturday, December 6, 4:30 - 6:30 p.m.
2. Lunch on Saturday, December 13, 11 a.m. - 1 p.m.

Volunteers will attend a brief orientation and serve guests for an hour. Following the meal, volunteers are invited to enjoy a meal with Blanchet House staff.

There are only 10 volunteer positions for each meal and they fill up quickly. To volunteer or for more information, contact Slone Pearson at [spearson@hagenoconnell.com](mailto:spearson@hagenoconnell.com).

Be on the lookout for future events with organizations like Oregon Food Bank, Habitat for Humanity, Oregon Humane Society, Friends of Trees, DoveLewis and more!



## Judicial Outreach Activities

*Continued from page 8*

and had displayed significant improvements in her life, according to her probation officer. Because of the nature of her prior conviction of forging a signature on a check, being on probation and the new charge, the judge was forced to give a Measure 57 mandated sentence of 18 months in prison. It also resulted in her two children entering the foster care system.

The second scenario centered on a defendant who had a long criminal history. That defendant was named "Eddy Slick," and was portrayed by Judge Koch. Eddy had prior convictions for ID Theft, three PCS priors, and one prior for Attempted Assault 1 for which he served 48 months in prison. Eddy was stopped when driving away from a known drug house. He was arrested after consenting to a search of his car and the search turned up drugs and

stolen credit cards. Eddy pled guilty to three counts of ID Theft, three counts of Possession of a Forged Instrument and count of Possession of Methamphetamine. Those prior convictions and the current convictions to the listed offense gave Eddy a Measure 57 mandated prison sentence of just six months.

The two scenarios showed the unequal mandatory prison sentencing and what can happen to administration of justice under the recently passed ballot measure.

### Oregon eCourt

Oregon eCourt was introduced to legislators by describing and demonstrating how electronic searching of scanned files will reduce time spent by judges and their clerks, by making information more readily available and will enhance the judge's overall understanding

of a case. The February 2008 Legislature approved funding for the conversion of paper documents to electronic medium and for the eFiling of court documents which will make possible the electronic search capabilities of case files. Each legislative session will review the progress and effectiveness of the program and approve continued funding.

The electronic system will provide internet-based access to:

- Case file documents
- Electronic filing (eFiling)
- Listings of all case parties
- Reports of case-related information
- Chronologies of events entered in the case record
- Statewide party case index
- Judgments or case status
- Court accounting systems for payment of fees, court costs, fines and restitution.

## MBA Presses for a New Courthouse

*Continued from page 6*

### Courthouse Tours

The MBA has hosted a number of legislators and their assistants on tours of the courthouse basement, jail facilities and mechanical room between floors six and seven. Seeing the old, unreinforced masonry walls; enormous number of important paper files including those for probate court; the patchwork of HVAC, plumbing and electrical wiring; covering over asbestos-wrapped pipes; and the fact that the entire phone system for

county offices is housed in the courthouse basement, told a strong and convincing story that courthouse operations urgently need a new facility. County facilities maintenance personnel are to be commended for their resourcefulness in keeping the courthouse heated, cooled and operating. Many legislators are aware of the need for a new courthouse, but the "how to fund it" remains a question in legislators' minds.

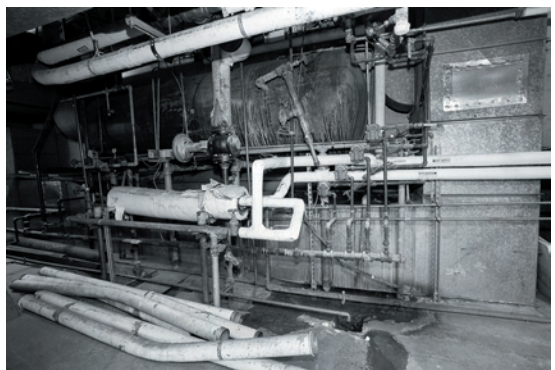
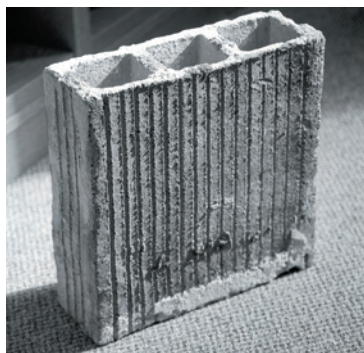
### MBA Courthouse Committee

Thanks to our committee members, Peter Glade, Chair; Michael Dwyer, Thom Brown, Dave Ernst and Sarah Crooks.

The MBA hired a professional photographer to take quality still shots of the courthouse basement and the vast number of paper files.

### State of Oregon, Oregon Court Facilities Assessment Summary Report, September 30, 2008 Available

The Oregon Legislature commissioned a statewide assessment of 48 county courthouse facilities, to evaluate them for ADA accommodations, safety and security. They were evaluated for ADA accommodations, safety and security. The Multnomah County Courthouse was ranked 38th overall and last in the area of security, mainly because of the layout of the courthouse and the fact that criminal defendants and the public use the same public spaces. Members may receive an electronic copy of the report by request to [mba@mbar.org](mailto:mba@mbar.org).



## PRO BONO VOLUNTEERS

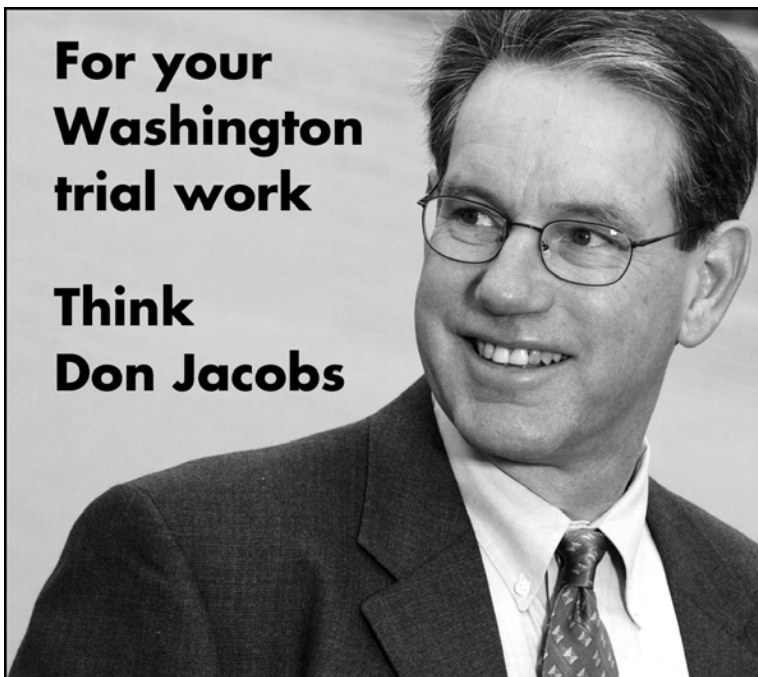
Thanks to the following lawyers and law students, who donated their pro bono services in October via the Volunteer Lawyers Project, the Senior Law Project, Community Development Law Center, law firm clinics, the Oregon Law Center, the Nonprofit Project, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark's Small Business Legal Clinic, Children's Representation 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.mbabar.org/docs/ProBonoGuide.pdf](http://www.mbabar.org/docs/ProBonoGuide.pdf).

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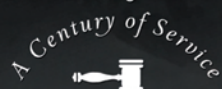
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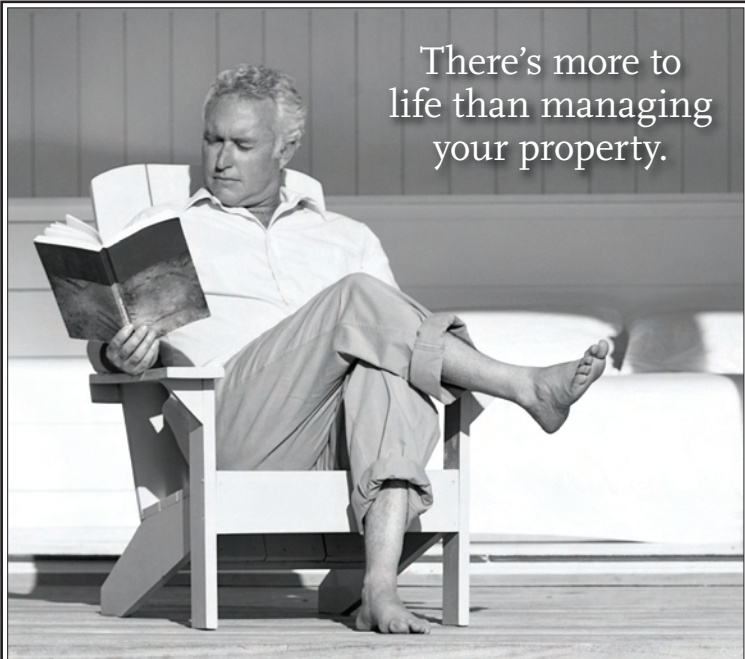
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