



## Doing the Right Thing

by Greg Moawad  
 MBA President

The Portland legal community will shortly lose a lion. Michael D. Schrunk has announced he is retiring - after serving our community since 1981 as the elected District Attorney of Multnomah County. He is going

to leave some awfully big shoes to fill.

In his early years, Mr. Schrunk excelled as an athlete. He lettered in three sports at Roosevelt High School, and was inducted into the Portland Interscholastic League Sports Hall of Fame for his on-the-field accomplishments. He then attended Portland State University, where his athletic prowess was further displayed - he excelled in football and basketball, breaking (and setting) numerous records.

Remarkably, athleticism didn't turn out to be his greatest strength. Long after his athletic achievements are gone (at least those that don't still stand in a record book), his imprint on the hundreds of lawyers whose lives he has impacted will live on. And I believe we are all better lawyers (and leaders) having worked for him.

I met Mr. Schrunk for the first time in 1993 when I was working at the District Attorney's office as an intern during my third year of law school. In that position, the hours were long and the workload was immense. That often contributed to late evenings and weekends in order to get the work done. When signing the log-in sheet in the courthouse lobby on nights and weekends, I was struck by the number of times I would see his name on the list as well - indicating he was in the office and working. His relentless approach to his job certainly set the initial tone for me about what his expectations were for his lawyers.

But I quickly learned that putting in the time was only part of what he expected from his lawyers. His greatest expectation, that we do the right thing - every time, and without fail - was made clear to us as well. Lawyers who worked hard but weren't committed to doing what was right would never succeed in his office.

Prosecutors, by the nature of their work, have the responsibility of making certain that justice is zealously sought for crime victims, that the community is protected and that rehabilitation is never forgotten as a pillar of the criminal justice system. In working toward these goals, prosecutors necessarily have the ability to uproot and potentially severely impact lives through criminal investigations, convictions and incarceration. What Mr. Schrunk instilled in me very early on were the requirements that 1) I understood the potential for harm my decisions had, and 2) I was always motivated by wanting to do the right thing.

**"...his imprint on the hundreds of lawyers whose lives he impacted will live on."**

Mr. Schrunk made certain that his lawyers knew that no matter how much heat we - or the office - took for a decision, if we were motivated to do the right thing for the right reason, he would always be there to support us. That was amazing support from someone in an elected position. In that potentially politically-charged job, where he would only be allowed to return to work if the voters approved him to return, his assurance could have easily been a hollow promise in the hands of a lesser man. But Mr. Schrunk made certain that we had his support - the individual empowerment to do the right thing - even if the right thing was unpopular or politically risky. In my mind, that was the most important thing he could provide his lawyers.

Freeing prosecutors to make decisions based solely on the legal and moral basis of right or wrong, without regard to political blowback or fear of upsetting the proverbial apple cart, is essential. When we have seen criminal prosecutions go awry elsewhere in the country, they most often involve decisions made for reasons other than doing the right thing.

Mr. Schrunk taught all of his lawyers that fact early on - and many of us have attempted to carry that forward in our approaches as organizational leaders during our careers - both inside the DA's office as well as outside.

While Rod Underhill will undoubtedly fill Mr. Schrunk's shoes at work, he'll have some help from the rest of us in filling Mr. Schrunk's shoes in the community as a whole. I do believe that none of us could do that alone.

**Note:** Greg Moawad's correct email address is moawad@ohsu.edu.

## mba|EVENT

### MBA Absolutely Social The Grape Escape featuring Wine Tasting

Tuesday, October 23  
 The University Club  
 5-7 p.m.

Drop in after work and catch up with friends and colleagues.

See insert for details and to RSVP.

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## mba|CLE

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

### OCTOBER

**10.24 Wednesday**  
**Public Speaking for Attorneys**  
 Judge Janice Wilson  
 Laura Dominic

**10.25 Thursday**  
**The Care and Feeding of Commercial Litigation Clients**  
 Tom Gerber  
 Lisa Kaner

**10.30 Tuesday**  
**Effective Cross Examination**  
 Judge Michael McShane  
 Judge Eric Bergstrom

### NOVEMBER

**11.7 Wednesday**  
**Access to Justice in Oregon: Preparing your PTSD Client for Litigation**  
 Suzanne Best, PhD

**11.13 Tuesday**  
**Serving on a Nonprofit Board**  
 Penny Serrurier  
 Michele Wasson

### DECEMBER

**12.4 Tuesday**  
**Business Transactions in the Electronic Age**  
 Eleanor Chin  
 Matt Larson

**12.11 Tuesday**  
**Insurance Coverage: Fundamentals and Hot Topics**  
 Mickey Knapp  
 Megge Van Valkenburg

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 CLE schedule and  
 registration.



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## A “Firm” Approach to Pro Bono

### A profile of Littler Mendelson

by Kamron Graham  
*Legal Aid Services of Oregon*

Littler Mendelson has become a leader in promoting pro bono service by providing opportunities for its attorneys such as allowing for billable hour credit for pro bono work at a 2:1 ratio. In its Portland office, Littler is taking the commitment further and has pledged a year of pro bono services to Legal Aid Service of Oregon’s Domestic Violence Project (DVP). The DVP matches pro bono attorneys with victims of domestic violence for representation in contested Family Abuse Prevention Act (FAPA), Elderly Persons and Persons with Disability Abuse Prevention Act (EPPDAPA) restraining order hearings, and stalking order hearings.

In her role as the Women’s Leadership Initiative representative, Amy Alpern led the charge to make DVP Littler’s pro bono project of choice. As a former prosecutor, she saw victims of domestic violence on the daily basis. Most women were unrepresented during the court procedures creating both inequity for the parties and inefficiency for the courts. Amy believes that if women are brave enough to show up to court and protect themselves then they deserve to be supported by an attorney.

Amy’s goal of everyone in the firm participating is being met. All attorneys have agreed to sign up to represent a DVP client. Support staff has volunteered to provide general litigation support. Even the IT support staff has offered to come to court and provide moral support to clients. There is a clear universal belief that this project is important and necessary and everyone is aboard, willing to play a role.

Amy believes that DVP provides a “win-win-win” situation for domestic violence victims, her firm and the court. Domestic violence victims get the legal and moral support they



Amy Alpern

need to help them through a difficult and often scary situation. Many times the adverse party is represented and the victim is not. When a pro bono attorney can step in, the victim is provided with equal representation and access to justice.

For Littler, the DVP provides litigation experience and training for both new and experienced attorneys and a great way to provide a public service. It also provides team building opportunities. Firm members frequently check-in about the project and update one another on their DVP cases.

For the court, the DVP allows judges to be able to do their jobs more efficiently and the proceedings usually go more smoothly. When parties are unrepresented, the hearing can often be awkward, inefficient and more difficult. The court also appreciates the physical safety aspect of having another set of eyes on the situation and another presence in the courtroom.

Amy encourages other lawyers and firms to get involved in pro bono work. Even if an attorney has never done any family or criminal law work before, it is probable one could grasp the elements of a restraining order and handle a basic case in a couple of hours. Amy believes that even with all the benefits and opportunities of pro bono work there is just one essential reason to get involved, “It’s just the right thing to do.”

## The Children’s Representation Project

by Lisa Lam  
*Campaign for Equal Justice*

The Children’s Representation Project (project) has served children of Multnomah County for over 12 years. With approximately 100 attorney volunteers, the project represents children who are in the middle of bitter custody disputes. The project is administered by Multnomah County Circuit Court Judge Susan Svetkey. Volunteer lawyers strive to give

a voice to their child clients and represent their best interests.

The courts, mental health professionals, and families rely on the project and its volunteers. Attorneys must respond quickly to keep children out of the courtroom during contentious litigation. These cases are often complicated and can involve issues of domestic violence, drug abuse, and mental illness.

## Calendar

To add your organization or firm’s annual events to the MBA online calendar, contact Carol Hawkins, [carol@mbabar.org](mailto:carol@mbabar.org).

### OCTOBER

#### 10.1 Monday

**MBA Golf Championship at Columbia Edgewater**

Visit [www.mbabar.org](http://www.mbabar.org) for details

#### 10.10 Wednesday

**CEJ & YLS Party Under the Stars**

Visit [www.mbabar.org](http://www.mbabar.org) for details

#### 10.19 Friday

Oregon State Courts are closed

#### 10.23 Tuesday

**MBA Absolutely Social at University Club**

See insert and visit [www.mbabar.org](http://www.mbabar.org) for details

#### 10.24 Wednesday

**Downtown Courthouse Community meeting**

Visit [www.mbabar.org](http://www.mbabar.org) for details

#### 10.25 Thursday

**Pro Bono Fair**

See p. 11 and visit [www.osbar.org](http://www.osbar.org) for details

#### 10.27 Saturday

**OGALLA 21<sup>st</sup> Dinner & Auction**  
Visit [www.ogalla.org](http://www.ogalla.org) for details

### NOVEMBER

#### 11.2 Friday

**MBA Professionalism Award nomination deadline**

#### 11.15 Thursday

**YLS New Admittee Welcome & Social**

Visit [www.mbabar.org](http://www.mbabar.org) for details

**11.22 & 23 Thursday & Friday Thanksgiving Holiday**

#### 11.23 Friday

Oregon State Courts are closed



## 2012 Battle of the Lawyer Bands a Great Success

Congratulations to The Over-the-Counter Jug Band for being named Best Oregon Lawyer Band 2012. Thank you to Farleigh Wada Witt, Miller Nash LLP and Schwabe Williamson & Wyatt for sponsoring. And thank you to everyone who attended and supported CourtCare. Your donations totaled over \$1,000.

In high-conflict cases, it is not uncommon for litigation to stretch over a period of years. The volunteer lawyers also provide information to both parties regarding the court process. Often, a volunteer lawyer’s presence can calm frustrated parties and can lead to settlement in some cases. These devoted attorneys use their own resources to meet with their clients, mental health professionals, schools, and other people relevant to each case. Volunteer attorneys are more important than ever because 86% of family law cases now have at least one side appearing pro se.

The court is grateful for the work of the volunteer attorneys.

Many family law judges have seen children transformed once a volunteer attorney becomes involved. The relationship between client and attorney is often a meaningful and lasting one. Judge Svetkey says, “Lawyers volunteering in the Children’s Representation Project find the experience very gratifying and rewarding.”

Not only do these dedicated attorneys volunteer their time by taking important cases, they also give their time by training and mentoring attorneys new to the project. To learn more or volunteer for the project, please contact Judge Svetkey’s judicial assistant, Brandy Jones, at 503.988.3060.





Seminars are worth 2 OSB credits unless otherwise noted; 2 Washington MCLE credits may be obtained independently. Registrants who miss the seminar may request the written materials. Substitutions are welcome. Registration fees are non-refundable.

## Public Speaking for Attorneys

Wednesday, October 24, 2012  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

What are the most common public speaking mistakes litigators make in the courtroom? What is the number one non-verbal indicator of credibility? How do you keep from using distracting fillers such as "um," "like," "so," and "you know"? How loud should you speak and what effect does pitch have on a listener? When is it better to read a presentation, memorize it or wing it? What are effective tactics for dealing with situations where you have to improvise?

Come hear **Judge Janice Wilson** and **Laura Dominic**, Senior Consultant at Tsongas Litigation Consulting, reveal how even the most confident, talented advocates can stumble in oral advocacy, and get some tips for improving your own arguments and presentations.

### For more information:

Call Heidee Stoller of Ater Wynne at 503.226.8616. For registration questions, call the MBA at 503.222.3275.

## The Care & Feeding of Commercial Litigation Clients

Thursday, October 25, 2012  
7:30-10:00 a.m.

Red Star  
Club Room  
503 SW Alder, Portland

Members \$55  
Non-members \$85

### NOTE: Registration fee includes breakfast. Breakfast available at 7:30 a.m., class begins at 8:00 a.m.

The MBA presents a breakfast program on managing commercial litigation clients. The key to most successful commercial litigation relationships is understanding the client's goals and setting realistic expectations. A number of common client misconceptions exist. Learn how to effectively respond and avoid traps. Any attorney involved in commercial litigation should attend this program.

Our speakers are **Tom Gerber**, Bullivant Houser Bailey and **Lisa Kaner**, Markowitz Herbold Glade & Mehlhaf. Tom's practice has emphasis in equipment leasing, inventory and other personal property financing, defense against construction liens, commercial collections, workouts and other specialized creditor/debtor matters. Lisa has served as lead or co-lead counsel in a wide range of complex commercial cases representing both plaintiffs and defendants. Her practice areas include securities litigation, complex contract disputes, business fraud, insurance coverage and employment.

### For more information:

Call Sim Rapoport of iBridge LLC at 503.906.3933. For registration questions, please call the MBA at 503.222.3275.

## Effective Cross-Examination with Judge Michael McShane and Judge Eric Bergstrom

Tuesday, October 30, 2012  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

Join Multnomah County Circuit Court judges **Michael McShane** and **Eric Bergstrom**, both experienced trial attorneys and judges, as they discuss effective cross-examination techniques. Humorous real-life examples from actual transcripts will be incorporated into the presentation.

### For more information:

Call the MBA at 503.222.3275.

## Helping Clients with PTSD and Trauma-Related Disorders Navigate Through Litigation

Wednesday, November 7, 2012  
2:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$85  
Non-members \$125

### NOTE: This class will be worth three hours of access to justice credit.

PTSD expert and licensed clinical psychologist, **Suzanne Best, PhD**, will discuss the assessment and treatment of PTSD and trauma-related disorders and provide you with tips on how to help your clients navigate through the added stress of litigation. This CLE will qualify for three Access to Justice credits.

### For more information:

Call the MBA at 503.222.3275.

## Advising Nonprofits and Serving on a Nonprofit Board Navigating the Rules and Avoiding the Traps

Tuesday, November 13, 2012  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

There are an increasing number of rules, regulations, excise taxes and other sanctions that can apply to a tax-exempt entity. Whether you serve on a nonprofit board or advise nonprofits as part of your law practice, it is important to know the rules that apply to various types of nonprofit entities.

**Penny Serrurier** and **Michele Wasson** of Stoel Rives will address best practices in the nonprofit area to help advisors, board members, and key staff avoid conflicts of interest and apply sound fiduciary oversight. This presentation will cover private foundations, public charities, trade associations, social clubs, and similar tax exempt entities. The speakers will outline the policies and procedures that help ensure a tax exempt entity is operating in compliance.

### For more information:

Call Hollis McMilan, Attorney at Law at 503.972.5092. For registration questions, call the MBA at 503.222.3275.

## Let's Get Technical: Business Transactions in the Electronic Age

Tuesday, December 4, 2012  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

Do you know about and use the latest, greatest technology to make your transactional work more efficient? Have you ever navigated a data room or conducted a virtual closing? There are powerful tech tools available to make our transactional drafting and due diligence easier. There are risks and unintended consequences associated with today's gadgets and gizmos. Join veteran commercial litigator **Elleanor Chin** of Davis Wright Tremaine and M&A attorney **Matt Larson** of Duffy Kekel for a discussion on the tips and traps of technology in transactional lawyering.

### For more information:

Call Todd Cleek, Attorney at Law at 503.706.3730. For registration inquiries, call the MBA at 503.222.3275.

*CLE Class Registration on next page*

## Insurance Coverage: Fundamentals and Hot Topics

Tuesday, December 11, 2012  
3:00-5:00 p.m.

World Trade Center  
Plaza Conference Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

The MBA presents a two-hour program on insurance coverage. Panelists representing both insurer and policyholder perspectives will discuss basic insurance coverage principles as well as recent developments and current trends. First party property coverage and third party liability coverage issues will be addressed. Any attorney encountering insurance coverage issues - whether frequently or only occasionally - should attend this program.

Our speakers are **Megge Van Valkenburg** and **Mickey Knapp**. Megge chairs Bullivant Houser Bailey's insurance coverage group and has represented insurers in coverage disputes for over 20 years. Mickey's practice focuses on representing individuals and businesses who have coverage disputes with their insurers. He has practiced law in Oregon for almost 30 years.

### For more information:

Call Sim Rapoport of iBridge at 503.906.3933. For registration inquiries, call the MBA at 503.222.3275.

*Photocopy, complete and mail or fax the registration form with payment to the MBA to reserve your space. Or register online and receive a \$5 discount.*

*Self-study materials from past CLE classes may be downloaded at [www.mbabar.org](http://www.mbabar.org).*

## iPad Apps and Tips for the Courtroom, the Office, and on the Road

Tuesday, December 18, 2012  
3:00-5:00 p.m.

World Trade Center  
Plaza Conference Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

The iPad has revolutionized the practice of law for those attorneys willing to discover its vast potential, not only for use in trial but also for improving productivity in the office, at home, and on the road. This two hour presentation will explore numerous helpful apps and provide tips on how to use them most effectively, including how to use the Keynote app for opening statements and final arguments, the iAnnotate app for studying documents, the TrialPad app for presenting evidence in the courtroom, as well as how to use such apps as Errands, Dropbox, PDF Expert, Evernote, Pages, Notability, Penultimate, UPad, Adobe Ideas, Maps, Google Earth, OmniGraffle, Teleprompt+, Air Sketch, Jot! Whiteboard, and more.

The simplicity of the iPad and of these apps now make it possible for any attorney to organize and present information in an electronic format with no additional costs. In addition, this presentation will explore the emerging science of teaching (and learning) by harnessing the power of digital images.

This two-hour presentation will be led by attorney **Kelly Andersen**, who speaks on this topic regularly. Mr. Andersen has been practicing law in Oregon since 1979, and was named as an Oregon Super Lawyer in 2007, 2009 and 2010. He practices in Medford.

### For more information:

Call Don Jacobs, Attorney at Law at 360.695.1624. For registration inquiries, call the MBA at 503.222.3275.

## Managing Your Risk: The Intersection of Claim Prevention and Professional Responsibility

Wednesday, December 19, 2012  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

### NOTE: This class will be worth two ethics credits.

This two-hour program will examine the intersection of law firm ethics and claims management. Attendees will learn practical ways to lessen the risk of both regulatory discipline and civil claims.

Our speakers are **Steve Carpenter** of the Professional Liability Fund and **Mark Fucile**, Fucile & Reising. A former civil litigator, Steve provides confidential assistance to Oregon attorneys who have a malpractice claim or who are concerned that they may have made a mistake that will lead to a claim. Mark counsels and trains lawyers, law firms and corporate and governmental legal departments on professional ethics and attorney-client privilege issues, is retained as an expert witness in these areas, handles law firm-related litigation and defends lawyers before courts and regulatory agencies throughout the Northwest.

### For more information:

Call the MBA at 503.222.3275.

## Registration Form

Receive a \$5 Discount when registering online at [www.mbabar.org](http://www.mbabar.org).

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OSB# \_\_\_\_\_

ACCOUNT NUMBER \_\_\_\_\_

EXPIRATION DATE AND SECURITY CODE  
(3-digit code on back) \_\_\_\_\_

SIGNATURE \_\_\_\_\_

BILLING ADDRESS FOR CARD (if different) \_\_\_\_\_

### Member Status:

- MBA Member  
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- Check  VISA  MasterCard  
 American Express

*Registration forms with payment must be received in the MBA office by 3:00 p.m. the day before the seminar, or the "at the door" registration fee will apply (see fees for each class and fill in the blank on registration form). Registration forms may be mailed or faxed to the address or number below. Accommodations available for persons with disabilities; please call in advance for arrangements.*

### Photocopy registration and mail or fax with payment to:

Multnomah Bar Association  
620 SW Fifth Ave., Suite 1220 ■ Portland, OR 97204  
503.222.3275 ■ Fax to: 503.243.1881

### Register online and order or download MBA self-study materials at [www.mbabar.org](http://www.mbabar.org).

Reduced fees for unemployed members are available and are assessed on a case-by-case basis. For details, call the MBA at 503.222.3275.

### Seminar Selection:

Please select the seminar(s) you wish to attend. Written materials for each class are included with registration. Pre-registration with payment is required to reserve a space; at-the-door registrations are accepted if space is available; an additional \$5 charge will apply.

#### 10/24 Public Speaking for Attorneys

- Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
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 CD-ROM & Written Materials (\$55 Members/\$85 Non) .. \$ \_\_\_\_\_

#### 10/30 Effective Cross-Examination

- Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
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 CD-ROM & Written Materials (\$55 Members/\$85 Non) .. \$ \_\_\_\_\_

#### 11/7 Helping Clients with PTSD & Trauma-Related Disorders

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#### 12/11 Insurance Coverage: Fundamentals and Hot Topics

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#### 12/18 iPad Apps and Tips

- Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
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 CD-ROM & Written Materials (\$55 Members/\$85 Non) .. \$ \_\_\_\_\_

#### 12/19 Managing Your Risk

- Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
 Class Registration (\$55 Members/\$85 Non) ..... \$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$55 Members/\$85 Non) .. \$ \_\_\_\_\_

Total due ..... \$ \_\_\_\_\_



## The Corner Office PROFESSIONALISM

### Take a Matter that Matters

As attorneys, we are specially trained and licensed to practice law. The OSB has a regulatory function that covers attorneys as well as policing non-attorneys engaged in the unauthorized practice of law. Lawyers are, in effect, the power brokers of the legal system, and to quote Voltaire (or Uncle Ben from Spiderman, depending on which Wikipedia link you look at), "With great power comes great responsibility." Lawyers hold the keys to the courthouse door. We therefore have the professional responsibility to ensure that all people have equal access to justice. We can do this by contributing our time and/or our money to organizations that provide direct legal representation to the poor.

The need is great. In Oregon it is estimated that we are meeting less than 20% of the civil legal needs of the poor. The recession is increasing the ranks of the

poor at the same time that legal aid organizations and other legal nonprofits are seeing their funding and staffing shrink. This means that clients with very serious legal issues, like people at risk of losing their housing, or people seeking protection from domestic violence, are facing the court system alone. This can have an adverse effect on individuals and families, as well as on the court staff and judges who must administer justice. If too many people are denied access to an attorney, society as a whole suffers. When citizens lose faith in the justice system, democracy itself hangs in the balance.

#### Private bar attorneys have a role to play

Attorneys have a professional responsibility to each do their part. The OSB Bylaws include a pro bono aspirational standard

(section 13.1). Among other things, the aspirational standard encourages "each lawyer in Oregon to endeavor annually to perform 80 hours of pro bono services. Of this total, the lawyer should endeavor to devote 20 to 40 hours involving the direct provision of legal services to the poor, without an expectation of compensation. If a lawyer is unable to provide direct legal services to the poor, the lawyer should endeavor to make a comparable financial contribution to an organization that provides or coordinates the provision of direct legal services to the poor."

Attorneys do not, however, need to "go it alone." The MBA, through its Pro Bono Pledge, is there to give us guidance. The Pro Bono Pledge seeks to dramatically increase access to justice by asking attorneys to commit to taking at least one pro bono matter in each calendar year. In

*Continued on page 14*

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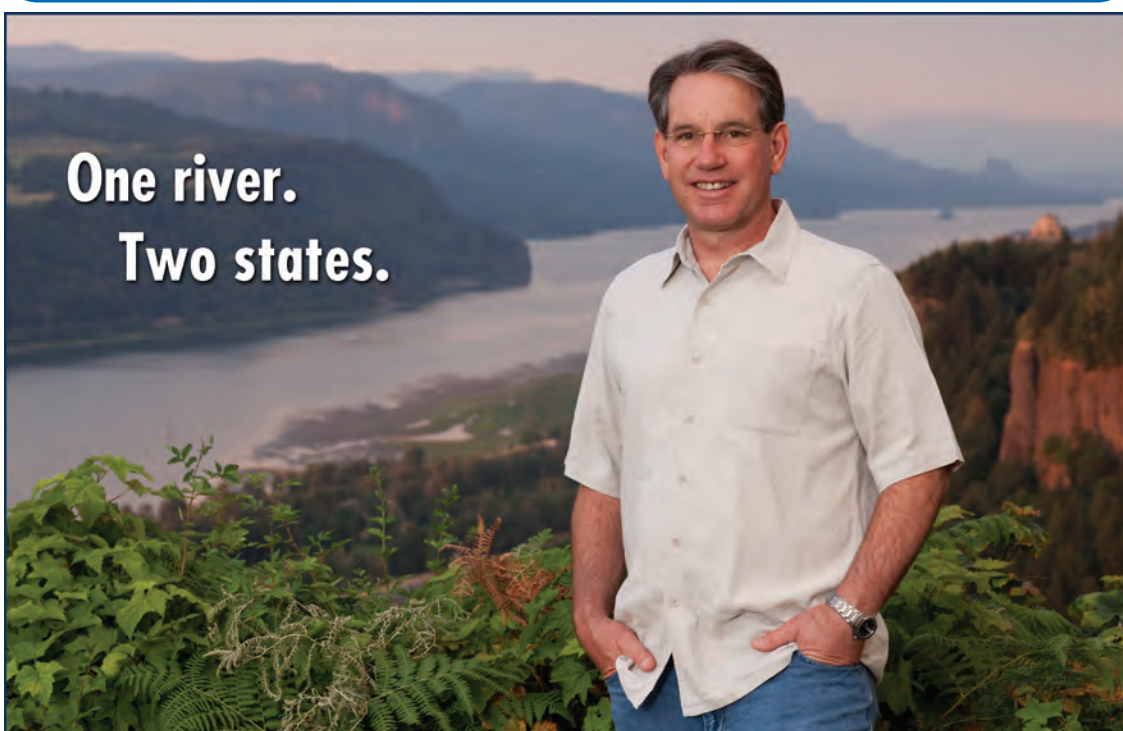
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## Ethics Focus

### Beyond Discipline The RPCs and the Law of Lawyering

by Mark J. Fucile  
Fucile & Reising



The Rules of Professional Conduct (RPCs) are the principal regulatory code for the disciplinary aspects of law practice. The RPCs, however, have also become the core of the broader “law of lawyering” central to many other facets of law practice beyond regulatory discipline. In this column, we’ll look at three: disqualification; civil liability for breach of fiduciary duty; and fees.

In doing so, four caveats are in order. First, appellate decisions beyond the RPCs are equally central to the broader law of lawyering. The key question

**“...appellate decisions beyond the RPCs are equally central to the broader law of lawyering.”**

of whether an attorney-client relationship exists, for example, is defined by case law under *In re Weidner*, 310 Or 757, 768-73, 801 P2d 828 (1990). Second, discipline and other applications of the RPCs are not mutually exclusive. *In re Kluge*, 335 Or 326, 66 P3d 492 (2003), for example, involved a lawyer who was both disqualified and disciplined. Third, due to differing standards of proof, application of the RPCs in one

forum will not necessarily dictate the result in others. The Supreme Court in *In re McMenamin*, 319 Or 609, 879 P2d 173 (1994), for example, declined to discipline a lawyer who had earlier been disqualified by the Multnomah County Circuit Court. Finally, the Supreme Court recently reminded trial courts in *In re Marandas*, 351 Or 521, 540, 270 P3d 231 (2012), that they have the inherent authority to sanction lawyers even when the conduct involved does not necessarily violate the RPCs.

#### Disqualification

The Supreme Court has long held that Oregon trial courts have the authority to disqualify counsel for violations of the professional rules. *State ex rel.*

**“...Oregon trial courts have the authority to disqualify counsel for violations of the professional rules.”**

*Bryant v. Ellis*, 301 Or 633, 724 P2d 811 (1986), both summarizes and illustrates this authority. It is also important to note that disqualification can be invoked both on motion in a particular proceeding or by a separate action for an injunction against the lawyers or firm involved. *PGE v. Duncan, Weinberg, Miller & Pembroke, P.C.*, 162 Or App 265, 986 P2d 35 (1999), both summarizes and illustrates this latter facet of disqualification.

#### Civil Liability

In *Kidney Association of Oregon, Inc. v. Ferguson*, 315 Or 135, 142-44, 843 P2d 442 (1992), the Supreme Court explained that the professional rules are broadly reflective of our underlying fiduciary duties. *Kidney Association* notes, for example, that the conflict rules are based on the fiduciary duty of loyalty. An asserted violation of

the conflict rules, therefore, can essentially be restated as a civil claim for breach of the fiduciary duty of loyalty. *Larmanger v. Kaiser Foundation Health Plan of the Northwest*, 805 F Supp2d 1050, 1057-58 (D Or 2011), includes a recent discussion of this point.

#### Fees

Oregon has not (yet) been as explicit as some other states (such as Washington) on whether a material failure to comply with the RPCs will make a fee agreement void or voidable. On one hand, *G.B.*

**“Oregon has not (yet) been as explicit as some other states...on whether a material failure to comply with the RPCs will make a fee agreement void or voidable.”**

*v. Morey*, 229 Or App 605, 215 P3d 879 (2009), avoided the issue on jurisdictional grounds (leaving the RPCs to the Bar and the Supreme Court) and *Welsh v. Case*, 180 Or App 370, 43 P3d 445 (2002), held that the issue wasn’t presented squarely (enough) by its facts. On the other hand, *Schroeder v. Schaefer*, 258 Or 444, 477 P2d 720 (1970), found that a lack of disclosure rendered a fee agreement unenforceable and *Bechler v. Macaluso*, 2010 WL 2034635 (D Or May 14, 2010) (unpublished), held that failure to comply with the RPCs and ORS 20.340 rendered a contingent fee agreement unenforceable. More broadly, Oregon has long recognized that failure to comply with the law (whether statutory or regulatory) renders a contract unenforceable on public policy grounds. *Compton v. Compton*, 187 Or App 142, 145, 66 P3d 572 (2003), compiles authority on this general point. Under ORS 9.490(1), the RPCs are professional regulations issued by the Supreme Court that have the force of statutory law.

## mba | ANNOUNCEMENTS

#### Take a Matter that Matters

Sign the MBA 2012 Pro Bono Pledge at [www.mbabar.org/AboutUs/ProBono.html](http://www.mbabar.org/AboutUs/ProBono.html) and commit to taking at least one pro bono case this year.

#### Voter Education Forums

The League of Women Voters of Portland offers three voter education forums in October, all at the Multnomah County Building Board Room, 501 SE Hawthorne Blvd.

1. Portland City Commissioner, Position 1: Tuesday, October 2, 7 p.m.
2. Ballot Measure Forum, Local Measures: Thursday, October 4, 7 p.m.
3. Portland Mayor: Monday, October 8, 1 p.m.

Visit [lwvpx.org](http://lwvpx.org) for details.

#### Downtown Courthouse Meeting

On Wednesday, October 24 at 5:30 p.m., the Portland legal community is invited to attend a public meeting hosted by the Multnomah County Commissioners to learn more about the safety concerns with the downtown courthouse, to ask questions about the options, and to provide feedback so the commissioners can move forward with planning the renovation or replacement of the building. To RSVP or for more information, contact Commissioner Deborah Kafoury’s office at [district1@multco.us](mailto:district1@multco.us) or 503.988.5220.

#### OGALLA – 21<sup>st</sup> Annual Dinner & Auction

OGALLA’s annual auction and dinner is Saturday, October 27 at the Hotel Vintage Plaza. Tickets are \$95, and may be purchased at [www.ogalla.org](http://www.ogalla.org). The silent auction begins at 5:30 p.m.; dinner is at 7 p.m. Keynote speaker is Governor Barbara Roberts.

#### Noon Bicycle Rides

Take a noon break for a short, fast ride 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 just meet at the start.

### Courthouse Watch Fall 2012

At their June meeting, the Multnomah County Commissioners passed a resolution directing them to seek public input on the options for courthouse renovation and new construction presented in the inici group report issued last spring. The Portland legal community is invited to attend a meeting at 5:30 p.m. on October 24 to learn more about the safety concerns with the downtown courthouse, ask questions about the options, and provide feedback so the commissioners can move forward with planning the renovation or replacement of the building. To RSVP, or for more information, contact Commissioner Deborah Kafoury’s office at

[district1@multco.us](mailto:district1@multco.us) or 503.988.5220. In addition, an online survey will be distributed to the membership this fall.

On Tuesday, September 11, the Multnomah County Commissioners heard a briefing on the findings from the National Center for State Courts’ report on the requirements for future Multnomah County courtroom needs. The report correlates a projected population increase of 29% for the Portland metropolitan area over the next 20 years, with changing needs of the courthouse. The findings predict a system-wide increase in the number of judicial officers needed, from 49 to between 55 and 60 by 2030. The need for fewer jury deliberation rooms per courtroom is also predicted. The complete report can be found at [www.mbabar.org/Resources/Courts.html](http://www.mbabar.org/Resources/Courts.html).

## webcheck

Local bar organizations are welcome to add their metro area events to the MBA online calendar at this link: <http://mbabar.org/Calendar/SubmitAnEvent.html>



## 2013 MBA Membership Renewal is Underway

Fall has arrived, and so too has the time to renew your MBA membership for 2013. To continue to receive the wide range of benefits the MBA provides, please take a few moments to renew online at [mbabar.org](http://mbabar.org). Here are just a few reasons to continue your membership:

- Access to discounted MBA CLE seminars and a comprehensive online library of

downloadable content. **Renew by December 15 and receive a \$50 credit toward CLE programming!**

- Socials, volunteer opportunities and committees that provide rewarding ways to network with other attorneys;
- Resources such as the *Multnomah Lawyer*, the ENEWS and MBA website keep you up-to-date with news and events;

- Exclusive member discounts from LexisNexis, UPS, Legal Northwest, Office Depot, Bank of the Cascades, and others; and

- Comprehensive, member-negotiated group health, life, long-term care and disability insurance plans structured specifically for lawyers and firms.

Please consider a donation to the Volunteer Lawyers Project and Multnomah Bar Foundation when you pay your 2013 dues.

For further information, please call 503.222.3275.

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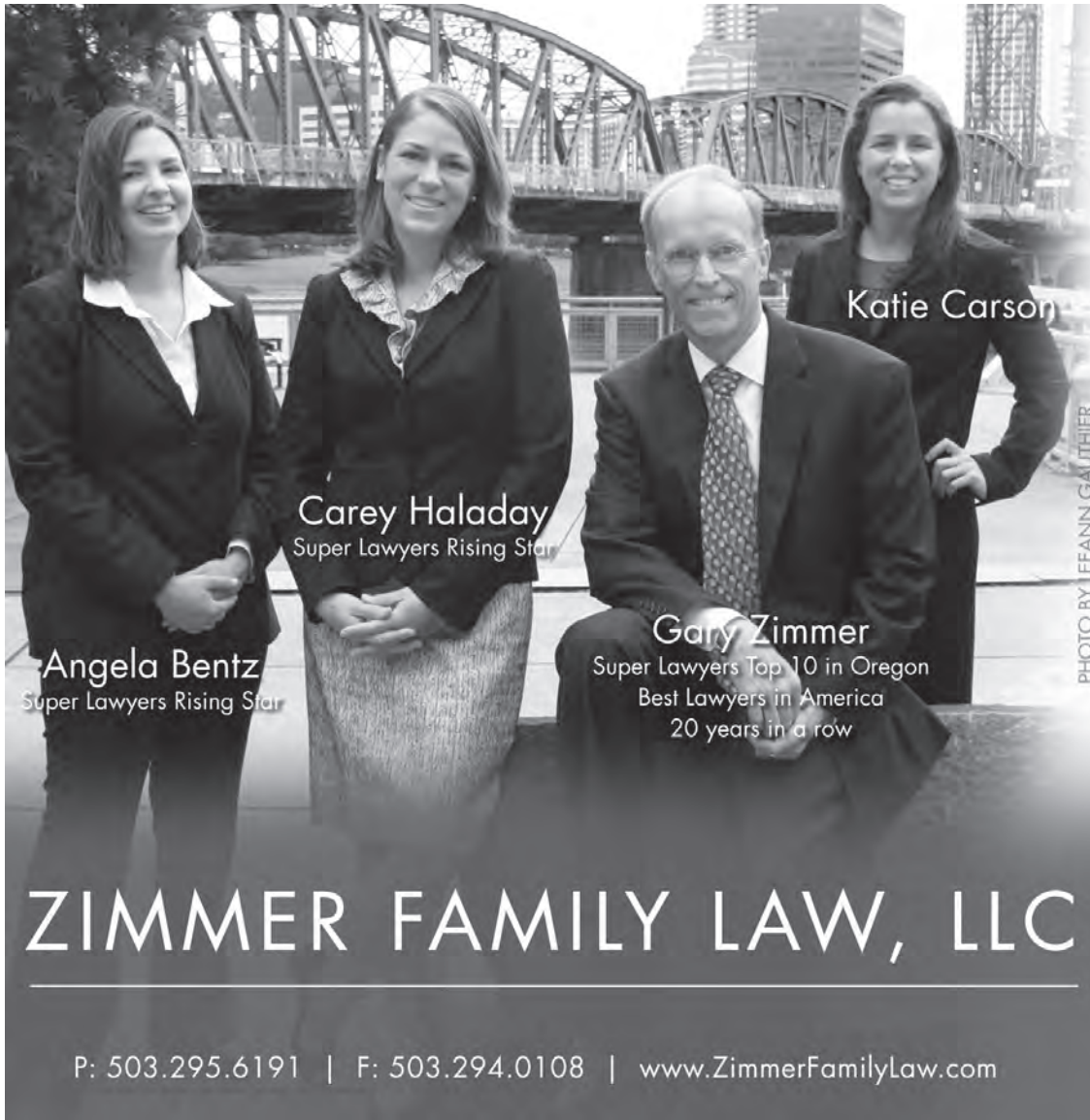
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## Around the Bar

### Kahn & Kahn

**Steven Kahn**, a shareholder, has been elected president of the board of directors of Congregation Neveh Shalom, Oregon's largest synagogue, with 930 member families. His father, **Garry Kahn** and he practice trial law together. Their practice is devoted to representing people who are harmed by the negligence of others.



R. Hunter Bitner

### Dunn Carney

**R. Hunter Bitner** has joined the firm as of counsel. His practice will focus on civil litigation, construction defect litigation, insurance defense, and malpractice defense.



Shaun Jillions

### Tonkon Torp

**Shaun Jillions**, Vice President of Public Policy for the Oregon Association of Realtors (OAR), has joined the Government Relations & Public Policy Practice.

Jillions will continue to serve as chief government affairs specialist for the OAR, which represents more than 13,000 Oregon realtors. The association has signed on as a Tonkon Torp client.



Wendy J. Paris

### Ball Janik

**Wendy J. Paris** has joined the firm's growing construction litigation practice. She has 15 years of in-house insurance experience.



Bruce Howell



Nancy Erfle



Román D. Hernández

**Schwabe Williamson & Wyatt** **Bruce Howell**, a shareholder in the firm, was recently appointed to two high-profile positions within the ABA's Health Law Section. Howell will chair the Healthcare Policy Task Force and vice chair *The Health Lawyer* editorial board.

Howell has extensive experience with physician practice issues, fraud and abuse, and reimbursement. He is board certified by the State Bar of Texas Board of Legal Specialization in the practice of health law. He also handles cases involving genetics, organ transplant technology, clinical research, and reproductive technology.

**Nancy Erfle**, a shareholder in the firm, recently was named to the board of directors of the International Association of Defense Counsel, an invitation-only professional association for corporate and insurance defense lawyers around the world.

Erfle is the co-chair of Schwabe's Products Liability Litigation Group. She focuses her practice on litigation, specifically on the defense of pharmaceutical and medical device manufacturers, automotive manufacturers, agricultural chemical manufacturers, aviation manufacturers, as well as companies involved in business disputes.

**Román D. Hernández**, a shareholder, received the Ohlti award from the government of Mexico during the Hispanic

National Bar Association's (HNBA) national convention in August.

The Ohlti award is the official recognition of Mexico's *Instituto de los Mexicanos en el Exterior* (translated as "Program for Mexican Communities Abroad"), and is the highest award bestowed by the Mexican government to a non-Mexican citizen. It is awarded to those who have contributed to the empowerment of Mexican and Mexican-American communities in the US.

Hernández also received the Latino Community Service ¡Bravo! Award from the Hispanic Metropolitan Chamber in September. The ¡Bravo! Awards recognize outstanding individuals and organizations that serve as role models and have contributed to the economic and social advancement of Latinos in Oregon and southwest Washington.



Meagan Robbins

### Wyse Kadish

**Meagan Robbins** joined the firm as an associate. She will focus her practice on family law.



Brenda L. Meltebeke



Michael W. Shackelford



Doug Morris

### Ater Wynne

**Brenda L. Meltebeke**, chair of the firm's Emerging Business Group, has been re-elected as chair of the west coast law firm. **Michael W. Shackelford** has been re-elected as Ater Wynne's Managing Partner. Both will continue to serve on the firm's Management Committee.

Meltebeke's practice focuses on entity formation, general corporate and securities law, including venture capital financings and mergers, acquisitions and divestitures. She served as chair of Ater Wynne's Business Department from 2001-09, and has chaired the firm's Emerging Business Group since 2009.

Shackelford has served as Ater Wynne's managing partner since 2001. His practice focuses on corporate counseling and business transactions, including mergers, acquisitions, divestitures, and venture capital financings, as well as estate and trust planning administration.

**Doug Morris** has been elected to serve as a new member of the Management Committee. Also continuing their terms on Ater Wynne's Management Committee are MBA members **Ernie G. Bootsma** and **L. David Connell**.



Todd Lyon



Traci Ray

### Barran Liebman

**Todd Lyon** and **Traci Ray** have recently joined two local-area boards of directors. Lyon is the newest member of the Classroom Law Project Board and Ray now sits on the Oregon Women Lawyers Foundation

Board. Lyon represents public and private sector employers in labor negotiations, labor arbitrations, and employment litigation and Ray is Barran Liebman's Director of Marketing, Client Services & Events.



Mark Johnson Roberts

### Gevurtz Menashe et al

**Mark Johnson Roberts** has been selected to serve on two key diversity committees with the ABA: its Center for Racial and Ethnic Diversity and the National LGBT Bar Association's liaison to the ABA's Commission on Women in the Profession.



Robert Stoll

### Stoll Berne

Shareholder **Robert Stoll** was appointed to the Consumer Advisory Board of the Consumer Financial Protection Bureau, which will provide advice to leadership on a broad range of consumer financial issues and emerging market trends.

*The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. The deadline is the 10<sup>th</sup> 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](mailto:carol@mbabar.org).*

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# My Domestic Violence Project Experience

by Josh Ross  
Stoll Berne

*This article originally appeared in Trial Lawyer, Summer 2012 issue and is reprinted with permission.*

A grandmother who sought to renew a restraining order against her son was my first client for the Legal Aid Domestic Violence Project (DVP). The son had a history of severe addiction and anger management issues. At the time, he was serving the last months of a prison sentence for arson. Faced with his pending release, my client was terrified and wanted every protection she could get. The son had a violent history, was known to carry weapons and had tried to set fire to my client's house. On his previous parole, the son violated the restraining order by contacting my client unexpectedly. The legal system confused my client and she was afraid of appearing in court. Of course, she was also distraught at the prospect of renewing a restraining order against her son.

## Meaningful representation

About three weeks later, at the conclusion of my successful representation, I had a newfound appreciation for the importance of volunteer work with DVP. I have been volunteering with the project since 2006. It pairs volunteer lawyers with low-income clients seeking representation at contested restraining order hearings.

DVP cases provide the perfect opportunity for litigators - the chance to meaningfully help someone in need of guidance and an unmatched chance to develop trial skills without a long-term commitment. In a typical case, the petitioner has been the victim of domestic violence - often severe abuse - at the hands of a spouse, partner or relative. The petitioner appears at a Family Abuse Prevention Act (FAPA) ex parte hearing to request a restraining order. If granted, that order remains in effect for a year. The respondent, once served, is entitled to demand an evidentiary hearing to challenge the order. If that happens, the petitioner must appear for trial to present a case to a judge who will either uphold or vacate the order. I typically take two to three new FAPA matters per year. I have always represented petitioners, virtually all of them abused women and always at the contested hearing stage.

In some ways, these cases are straight forward. The act itself is not particularly complicated and, regrettably, the abuse can be so appalling and the proof so strong that the case requires relatively little investigation. In Multnomah County, where my cases have been litigated, the docket typically allows for a bench trial lasting no more than 30 minutes. (In many instances the cases are set for longer hearings. My hearings



have lasted as little as 30 minutes and as long as six hours.) Because of the practical nature of the cases and the requirements of the act, FAPAs move quickly. Case assignment through the end of the hearing can take as little as a few days and typically not more than a few weeks. And, Legal Aid makes it pretty simple for volunteers by providing a wealth of resources, such as CLE materials and mentors, to help lawyers get up to speed and figure out those inevitable odd issues that pop up from time to time.

The cases can also be terribly complex. There is frequently a long history of abuse between the parties, and addiction regularly plays a significant role. Witnesses can be difficult to work with and not trustworthy. To complicate matters, children are often involved (and sometimes have been witnesses to the violence or victims themselves), and the outcome of the FAPA hearing bears on their safety and future, too. Although courts try to carefully steer FAPA proceedings toward the temporary relief contemplated by the law, other issues, such as custody, visitations, property division and pending (or needed) family law actions, often come up.

## Working through complexities

For a lawyer who does not otherwise practice family law, trying to understand what implications the FAPA process may have on those parallel or future family law cases is a challenge, as is learning to navigate through a court process that is somewhat different from commercial litigation.

Then there are the emotional aspects of these cases. To put it frankly, these are weighty cases that involve very serious issues that can fundamentally alter the course of a person's life. Win or lose, it is difficult to leave these cases at the office.

No matter how clear cut the case, it cannot be overstated that representing victims of abuse in court provides an immeasurable benefit to those clients. By the time of the contested hearing, the petitioner has already suffered abuse, has bravely decided to seek protection and has taken the steps to appear in court to request the restraining order - typically with little to no assistance. The person is then faced with the task of presenting a full case to a judge, in a completely foreign

setting, while the accused abuser stands just feet away prepared to contradict everything that is said. In some circumstances, the abuser requests the hearing simply to further the abuse. Putting the victim through the torment of having to prepare for a face off in court is often just the respondent's attempt at payback. In about half of the cases I've taken, the respondent - although he has demanded the hearing - fails to appear. For the petitioners, having a lawyer guide them through the process and work with them to investigate and prepare is critical. Having someone speak for them in court is vital.

Still, my reasons for volunteering with DVP were not purely altruistic - there are other benefits to volunteering. I initially investigated the opportunity because I wanted more regular court appearances than I was experiencing in my regular practice. I also wanted to learn how to work up a case on my own. The DVP is perfect. Although there are no juries in FAPA hearings, judges tend to run the cases as mini trials with opening statements, examination of witnesses, adherence to rules of evidence and closing arguments. In that sense, each case provides me an opportunity for one more solo venture into court. Even if the case does not go to hearing, which is the default result when the respondent does not appear, the experience of preparing cases for trial has been invaluable.

By "trying" FAPA cases, I have learned to work with difficult clients and witnesses and learned how to quickly investigate issues and collect admissible evidence under tight deadlines. For example, in a number of my cases, clients have called 911 or filed police reports regarding the underlying abuse, earlier abuse or both. Figuring out how to obtain copies of those reports, interviewing officers (assuming we can identify them) and evaluating whether to offer the evidence and potential admissibility issues always presents an interesting challenge.

FAPA cases have also helped me learn how to prepare witnesses and identify and develop themes. For instance, I

had one client who, although she had not recently suffered actual physical abuse, drew my attention to a particular threat that the respondent regularly used against her. That threat, and her very real fear of him because of that threat, became a critical theme that was repeated throughout the hearing. When the time came to explain why the respondent's single recent incident of contact (an unsuccessful attempt to break into her home while yelling threats through her front door) caused her fear for her physical safety, there was little question that the fear was genuine and justified.

## Valuable lessons

At a time when fewer and fewer cases go to trial, trying these cases has provided me the invaluable opportunity to learn some of the fundamental lessons that you just can't learn outside of the courtroom.

Apparently clients do not always tell you everything you need to know, no matter how many times you ask. After a client was caught in a terribly discrediting lie on the stand during cross examination (regarding a critical fact she failed to tell me about), it was of little consolation that the judge later confirmed the feeling I had, at that very moment, that I'd just lost the case. In that situation, I learned how to put on a poker face and make a passionate plea in closing argument that the issue was of no consequence and, really, shouldn't even be considered. I then learned to live with the defeat.

It also turns out that, just because one judge insists that an issue proceeds a particular way, a different judge will not necessarily do the same thing. That lesson came during a hearing that was quickly shut down by a judge who precluded my opponent, a pro se respondent, from testifying about certain issues because he had come unprepared to prove a predicate fact that the judge insisted he address. When I suggested to a different judge at a different hearing several months later that the respondent should be precluded from that same type of testimony for the same reason, the judge interrupted me to tell me that was a silly suggestion. I learned to be prepared for whatever is thrown at me.

Trying FAPA cases also has helped me learn how to lose. Remarkably, all it takes to deflate a lawyer's ego is to lose a contentious case against a pro se litigant. Sometimes the facts are the facts, and there's only so much you can do with them.

Finally, being a DVP volunteer has presented me with great marketing opportunities. Through the program, I have met many lawyers on whom I can rely for advice in a pinch. In fact, it was through a FAPA hearing that I met two OTLA lawyers (who represented an opposing party) with whom I have developed a great relationship and who remain trusted colleagues.

## As an advocate

Even as I have become a more experienced lawyer, I continue to learn new things with each new case. I always appreciate the opportunity to try new strategies, to develop a new case and, I hope, to bring a good result to a deserving client. I am never bored, and I never regret having taken the time to work the case. I am convinced that for both new and experienced lawyers, this type of work brings a tremendous upside.

Of course, helping genuinely needy clients face overwhelmingly difficult challenges is the primary reason for volunteering with the DVP. I am not a family counselor or a family law practitioner. But what I have learned through these cases is how to be an advocate in the true sense of the word. Preparing to present a compelling case - and I hope win - is part of that advocacy. But listening, empathizing, guiding, caring about a client's problems and finding someone to help when I don't know what to do is equally important to filling that role.

I volunteer because it helps people, it's rewarding and I feel a sense of duty. Tackling an entirely new practice area and representing clients with problems I would not otherwise encounter has been educational and beneficial to my regular practice. Taking these cases pro bono is an important public service. Volunteering with DVP is truly a win-win.

*Josh may be contacted at [jross@stollberne.com](mailto:jross@stollberne.com) or 503.227.1600.*

## 2013 MBA Professionalism Award Nominations Due November 2

The MBA Professionalism Award is one of the most highly regarded honors an attorney in our area can receive. Do you know a lawyer who is a pleasure to work with as both an ally and an adversary, who regularly goes well beyond minimum ethical and professionalism standards, who constantly mentors others and works to improve the quality of our practice as a whole? We strongly encourage you to nominate him or her for the 2013 MBA Professionalism Award. Any MBA practicing attorney

member, except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award.

Esteemed award 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, Jeffrey M. Batchelor, Judy D. Snyder, Garry L. Kahn, Michael D. Schrunck and Edwin A. Harnden.

Former nominees may be and often are re-nominated. To propose an outstanding attorney for this year's award selection process, please complete and return the nomination form included in this issue of the *Multnomah Lawyer* and available at [www.mbabar.org](http://www.mbabar.org) or contact Kathy Modie, Professionalism Committee staff liaison, [kathy@mbabar.org](mailto:kathy@mbabar.org) for more information.



## Tips From the Bench

### Simple Tips for Surviving the DUII Ex-Plea Docket

by Judge Youlee You  
Multnomah County Circuit Court

Thank goodness it's Friday. Well, that is unless you have a case on the DUII Ex-Plea docket. Last Friday, I was looking down the barrel of an ex-plea docket with 26 DUII cases. They all had to be resolved in no more than an hour and 45 minutes. It's brutal on the attorneys, the clients, and, needless to say, the court staff.

As an attorney, how can you survive while maintaining some modicum of sanity? Here are a few simple tips:

**1. Arrive Early**

Get to court before the docket begins at 10:15 a.m. Like dim sum at Wong's King on a Saturday morning, it's first come, first served. My clerk hands me the files in the order in which the attorneys check in with her. So if you'd rather not wait in a crowded courtroom for an hour and a half, get here well before 10:15 a.m.

**2. Watch the Video**

Your client must watch the orientation video before the judge will take a plea. So have your clients watch the video as soon as they arrive.

As a bonus, the video is narrated by the ever-so-charming and debonair Judge Michael McShane. If they would like, your clients can watch the video more than once - we have it playing on a continuous loop in our jury room all morning.

**3. Better Yet, Watch the Video in Advance**

Is your client the type who likes to plan in advance? Does your client have internet access? If so, your client can watch the video online before their ex-plea court date.

The link to the video is at the bottom of this web page: [http://courts.oregon.gov/Multnomah/General\\_Info/Criminal/Criminal.page?](http://courts.oregon.gov/Multnomah/General_Info/Criminal/Criminal.page?)

Don't worry, the video is definitely SFW.

**4. Make Sure all of the Paperwork is Completed**

All forms must be completed before my clerk will put you in the queue. If you forget even one, you will be sent back to the end of the line faster than if you were at the DMV.

Here are the forms you will need:

- o Plea petition
- o Notice of Appeal
- o DUII Plea Agreement form



- o Enhanced Bench Probation form
  - o License Suspension form(s)
- The license suspension period for DUII is one year. It is 90 days for reckless driving. For easy reference, the suspension periods are listed on the back of the form. You just have to fill in the dates.

**5. Understand the Plea Deal**

Your client will avoid doing even a single day in jail by accomplishing the following within 60 days:

- Alcohol/Drug evaluation (\$150) and sign up for a treatment program
- Victims Panel (\$50)
- 25 hours of community service (of the total 80 hours that are ordered).

Otherwise, your client will be sentenced to 30 days jail, which will be imposed immediately. Simply put, if your client has failed to complete the conditions by the 60-day hearing date, the deputies will come down to the courtroom and take your client to jail.

We hear lots of excuses. Some defendants complain that their jobs are too demanding. Some say that they could not come up with the money. Some say they could not find a nonprofit organization to complete their community service. Some say they could not find childcare. If your client is going to have these kinds of struggles, the DUII Ex-Plea program is not the right fit. So please candidly discuss the plea agreement with your clients and have them decide whether this is the program for them.

Of course, there are times when clients suffer circumstances beyond their control, for example, hospitalization or a severe medical problem. If that happens, consult with opposing counsel *in advance* of the 60-day hearing date and ask the court for an extension.

If you have any questions, feel free to contact my staff at 503.988.3404 or the staff of one of the other DUII ex-plea judges - Judges Jean Maurer, Kelly Skye, and Ken Walker.

## News from the Courthouse

by Laura Rufolo  
Court Liaison Committee member

### Presiding Judge's Report and Courthouse Update

The proposed Fourth Judicial District Supplementary Local Rules are available at [mbabar.org](http://mbabar.org) for review. These proposed rules, if approved by the Uniform Trial Court Rules Committee, will be effective on February 1, 2013.

Despite budget cuts and grim forecasts, no cuts are anticipated before the Legislative Assembly's 2013 session. The Governor has requested that state agencies in the executive branch prepare reduction packages at the 3.5% level and at the 10% level for the 2013-15 biennium. Chief Justice Thomas Balmer has not given a similar instruction to the circuit courts, yet. The "word on the street" is that further reductions may occur for the 2013-15 biennium, given the relatively flat revenue forecasts this biennium and inflationary factors. A special challenge for the judicial department is funding a new three-judge panel for the Oregon Court of Appeals, which was authorized by law (chapter 87 Oregon Laws 2012) in the 2012 session to be effective on October 1, 2013, but not funded. Funding for the new panel will be addressed in the 2013 session.

One goal of every presiding judge is to ensure that all civil cases that are ready to be tried or heard are assigned to a judge for hearing. Only one civil case in August didn't get out. Every other case was assigned, even on weeks where 15 or 16 judges were away from the court on leave or assignment to other counties.

In this year's May budget reduction, five clerks were eliminated from the judicial staff, leaving a total of 33 courtroom or judicial clerks for the 38 judges. This imbalance was addressed by arranging the 38 judges of the court into teams of three judges, providing each judge on a team a judicial assistant,

and each team retains two courtroom or judicial clerks. This creates a three-to-five ratio between judges and support staff for each team. In addition to the assigned team staffing, there is now a pool of nine clerks (circuit clerks) who are available to cover any shortfalls in courtroom staffing on any team. Finally, judicial assistants are trained to cover courtroom proceedings for short duration matters. This loss of resources has been very hard on the judges as well as the clerks and judicial assistants assigned to judges. Adjustments to this structure to ameliorate the impact of the change are under review. The court is actively working to find volunteer attorney resources and work study students to ease the impact of this change. Interns are also used within the scope of appropriate use for such positions.

The Oregon eCourt case and financial management system was implemented in June in Yamhill County. The Odyssey File and Serve system (electronic filing) for the circuit courts is expected to be implemented in early 2013; but, it will only be available for use in courts that have implemented Oregon eCourt. Crook, Jefferson and Linn Counties implement Oregon eCourt in December of this year; Jackson County will in March, 2013. Multnomah County will implement Oregon eCourt in May, 2014. Implementation work in Multnomah County will begin in January, 2013.

The Criminal Justice Advisory Committee meets regularly, which is helpful to the presiding judge in terms of planning resources for these cases. Judge Waller believes there should be a similar civil advisory committee established to provide her information, feedback, and program assessments as she oversees the circuit court's civil management and calendar. This will be established formally and will begin meeting after the first of the year.

There is activity regarding the Multnomah County Courthouse building. First, the county had the National Center for State

Courts prepare a forecast of the circuit court's courtroom capacity needs for the next 30 years, and had a briefing on the report's findings. Second, the 27<sup>th</sup> study on the need for a new courthouse, prepared by Inici Group, Inc., was presented to the board of county commissioners on courthouse options (renovate or build new, and if build new, potential locations). And, third, there are public meetings coming up to inform and gather feedback from the general public and the bar on the current courthouse condition and possible solutions. The next public information session is October 24, from 5:30-7:30 p.m. in the Multnomah County Courthouse.

The court and MBA annual legislative breakfast was held in September. The theme focused on vulnerable populations and how the circuit court provides services to assist them.

The jury term will change to two days in October; this implements an expense reduction feature which was also used in 2003. The savings is in reducing the summons and response costs associated with each new jury panel. Jurors will be called for two days and to complete any trial in progress at the end of that term. Prior to the one-day, one-trial rule, jurors were called twice a week, Monday and Wednesday. In those days, the Wednesday pool served three days, rather than two. The elimination of jury service on Fridays was another carryover from the budget reductions made in 2003.

The East County Courthouse is now a filing center for Civil cases and Small Claims. Domestic Relations, Forcible Entry and Detainer, Probate, and Guardianships and Conservatorships cannot be filed there at this time, but will be added in the future for filing services available in the East County Courthouse.

### webcheck

Friday Court Closures - Add the court closure dates to your Outlook or Google calendar  
<http://mbabar.org/Calendar/>





# Annual Pro Bono Celebration & Fair

by Cathy Petrecca  
OSB Pro Bono Program Manager

The Oregon New Lawyers Division and the YLS invite you to attend the Annual Pro Bono Celebration and Fair on Thursday, October 25 at the World Trade Center, 121 SW Salmon St. Three free CLEs will be provided in the afternoon prior to the Legal Services Providers Fair and the Pro Bono Challenge Award ceremony, which starts at 5 p.m.

This year, the following firms and individuals will be recognized for their large number of pro bono hours reported for 2011: Stoel Rives, Stoll Berne, Schroeder Law Offices, Elisa Dozono, Risa Davis and William Howell.

The three free CLEs are:

- o ABCs of Victims' Rights: What every practitioner should know

- o What You Wish You Learned in Law School: Practical Case Management and Civil Litigation Skills

- o Effective Representation of Domestic Violence Survivors

Those interested in attending the CLEs should contact Michelle Lane at the OSB at [mlane@osb.org](mailto:mlane@osb.org).

Chief Justice Thomas Balmer and Justice Martha Walters will be hosting the awards ceremony, along with OSB President Mitzi Naucler.

Come join local members of the ONLD and the YLS and their cosponsors: the OSB, Legal Aid Services or Oregon, the Oregon Law Center, Barran Liebman and Miller Nash at this fun, educational celebration in support of lawyers who make a difference!

## Resources for Pro Bono Attorneys

[www.mbabar.org/AboutUs/ProBono.html](http://www.mbabar.org/AboutUs/ProBono.html)

Take the Pro Bono Pledge and find information on local pro bono opportunities. Download free CLE materials from the MBA member section.

[www.osbar.org/probono](http://www.osbar.org/probono)

Record your pro bono hours for the Pro Bono Challenge and find information on pro bono in Oregon that includes volunteer opportunities, attorney resources, PLF coverage for pro bono, pro bono committees and types of membership status based on pro bono activities. Learn how to create a customized pro bono policy for your office.

[www.oregonadvocates.org](http://www.oregonadvocates.org)

This one stop statewide website sponsored by the legal aid community in Oregon features a substantive law library as well as free CLEs for pro bono attorneys. Membership is free. Once you are a member sign up for ProBonoOregon, a weekly listserv offering pro bono cases for attorneys.

[www.americanbar.org/groups/probono\\_public\\_service.html](http://www.americanbar.org/groups/probono_public_service.html)

The ABA Standing Committee

on Pro Bono & Public Service is a national source for pro bono information and resources.

[www.oregonlawhelp.org](http://www.oregonlawhelp.org)

Oregon Law Help, sponsored by legal aid offices in Oregon, is designed to provide free legal information to low-income Oregonians. Self-help handbooks are available for download by laypersons and feature applicable statutes, remedies, forms and sample letters. These handbooks are great primers for the basics in some common areas of law.

[www.probonoinst.org](http://www.probonoinst.org)

The Pro Bono Institute supports the pro bono work of law firms and corporate legal departments.

[www.probono.net](http://www.probono.net)

Pro Bono Net provides national resources for attorneys working to assist low-income clients.

[www.211info.org](http://www.211info.org)

211 provides assistance in finding health and community organizations in Oregon and SW Washington. Professional intake staff is available 24 hours a day by calling 211, or the referral system can be accessed through the website.

the second annual

## PRO BONO PEDAL

Forty-plus cyclists turned out Saturday, September 8 to support the Volunteer Lawyers Project by participating in the 2nd Annual Pro Bono Pedal. Riders enjoyed the sunshine while cruising around NE Portland, followed by refreshments at Columbia River Brewing. More than a dozen volunteers were on hand to provide encouragement and ensure that all riders arrived at the finish safely.



The YLS Pro Bono Committee would like to thank the following sponsors for their generous support:

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## Tools to Help Your Firm Incorporate Pro Bono into its Practice

### "Take a Matter that Matters"

by taking the MBA Pro Bono Pledge at:  
[www.mbabar.org/AboutUs/ProBonoPledge.html](http://www.mbabar.org/AboutUs/ProBonoPledge.html)

### Add a pro bono policy to your firm's policies

by using the OSB Pro Bono Model Policy Tool Kit at:  
[www.osbar.org/probono/policy/intro.html](http://www.osbar.org/probono/policy/intro.html)

### Find pro bono opportunities

on both the MBA and the OSB websites:  
[www.mbabar.org/AboutUs/ProBonoOpportunities.html](http://www.mbabar.org/AboutUs/ProBonoOpportunities.html)  
[www.osbar.org/probono/VolunteerOpportunities.html](http://www.osbar.org/probono/VolunteerOpportunities.html)

## Give credit to the doers of good deeds

Watch for the nomination form in the January *Multnomah Lawyer*

**MBA • LASO • OLC**  
**Pro Bono Awards**

**Senior Project Volunteer of the Year**

For service to Multnomah County's longest running pro bono project

**Michael E. Haglund**  
**Pro Bono Award**

For Young Lawyers in LASO, OLC, or MBA YLS pro bono project

**Pro Bono Award of Merit**  
For exemplary pro bono work

## webcheck

View a list of pro bono volunteer opportunities in Multnomah County at <http://www.mbabar.org/AboutUs/ProBonoOpportunities.html>





# Pro Bono Young Lawyers Section

## Pro Bono is a Big Opportunity

by Duke Tufty  
YLS President



Providing pro bono legal services is a big opportunity. It's a chance to help the underserved, to give back to the community, and to do the right thing. It's also an opportunity for newer attorneys to develop their skills and their practice. I'd like to touch on three reasons why doing pro bono is just as good for you as it is for the community.

### Developing Your Skills.

An attorney must always provide competent legal service. Sometimes, however, it can be difficult to develop skills in a practice area that interests you if you lack extensive experience. For example, as a young litigator, the bulk of your experience may involve paper advocacy and you'd like to see the inside of a courtroom more often. Not a litigator? There are plenty of opportunities to learn about

**"...consider pro bono work when you're looking for opportunities to improve your skills or learn about a new area of law."**

other areas too. So, consider pro bono work when you're looking for opportunities to improve your skills or learn about a new area of law. Some pro bono programs will even provide training or mentoring to help keep you on track.

### Client Development.

Work and referral sources can come from surprising areas. Today's pro bono client can become tomorrow's client or referral source. Providing excellent legal services to clients, whether pro bono or not, is the key.

### Building Your Network.

Attorneys of all backgrounds provide pro bono services, often in conjunction with programs focused on specific practice areas. Regular participation in pro bono programs may enable you to meet or work with more experienced attorneys.

**"Regular participation in pro bono programs may enable you to meet or work with more experienced attorneys."**

Over time, developing those relationships may be beneficial in the form of job opportunities, referrals or mentoring.

The OSB asks its members to try to perform 80 hours of pro bono per year and the MBA asks its members to provide pro bono representation in at least one matter per year. I encourage you to fit some pro bono work into your practice this year. Think you're too busy? There are opportunities of all sizes that range from brief, periodic commitments to longer ongoing matters. Check out the OSB's online directory of current opportunities for more information: [www.osbar.org/probono/VolunteerOpportunities.html](http://www.osbar.org/probono/VolunteerOpportunities.html). Someone out there could use your help and who knows, you could be doing something for yourself too.

## Practical Skills through Public Service Making a Difference in a Tough Job Market

by William Penn  
Director of Public Interest Law  
Lewis & Clark Law School

With its Practical Skills through Public Service (PSPS) program, the Oregon New Lawyers Division (ONLD) has been working for the last two years to tackle two problems at once. The recent recession and continuing malaise in the economy has struck new law school graduates with particular fury, leading to some of the lowest employment numbers in decades. At the same time, the justice gap between those who need lawyers and those who can afford them persists. New threats include legal service providers facing decreased funding in Oregon and across the country. PSPS works to bring these two problems together with one solution, connecting new lawyers with government and nonprofit legal offices, while providing structure and even free CLE to help train new lawyers.

For new law school graduates, legal employment numbers remain grim; the National Association for Legal Career Professionals (NALP), which has been collecting legal employment data for 38 years, reports that nationally 85.6% of the law school

class of 2011 was employed nine months after graduation. This is the lowest employment rate for law school graduates since 1994 and the fourth lowest rate since 1985 when NALP's data collection began. Looking more deeply at the data reveals that only 65.4% of 2011 law graduates were employed in positions that required a JD. This is the lowest ever measured and 9% less than the number in 2008.



Throughout the downturn, graduates have remained resourceful in building the experience they can. As employment numbers have decreased, the national rate of graduates opening solo practices has nearly doubled between the classes of 2008 and 2011 to 6%. The percentage of law school graduates who report that they're employed but are looking for something else has risen to 25%, implying that many are taking the best job they can find to mend the gap rather than launching their legal careers directly after graduation. Counting the self-employed, the under-employed,

and the 9.6% who had not yet found employment, there are many looking to maintain and build their legal skills so they are prepared to take on cases themselves and ready to take on legal jobs when they appear.

The PSPS program offers these new lawyers a way to build and maintain those skills through pro bono service. The ONLD sees that the pro bono experiences are beneficial to graduates and the community by working with organizations to ensure that mentor attorneys are available and by confirming that new lawyers will be doing substantive work. Organizations are provided interested and highly qualified volunteers who are eager to provide services to the community.

In 2011, 35 new lawyers participated in offices including the Beaverton and Salem City Attorney's Offices to Metropolitan Public Defender and St. Andrew Legal Clinic, among others. In the spring of 2012, 42 new lawyers were provided with a selection of 15 organizations, mostly in the Portland area, but also reaching all the way to the Southern Oregon Public Defender in Medford.

The ONLD is currently working to build a roster of host organizations for the fall of 2012. Interested programs should contact Kaori Tanabe at [kaori@stephensmargolin.com](mailto:kaori@stephensmargolin.com). Watch for the ONLD's free CLE on the practicalities of taking a pro bono case at this year's Pro Bono Celebration.

present

# Party Under the Stars

**For associates, new lawyers, & new members of the legal community**



**Enjoy free pizza & beer while you meet with friends, make new friends, socialize with legal aid lawyers, and learn about the Campaign for Equal Justice!**

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## Pro Bono as a Pathway to Employment

### A Profile of YLS Member Ryan Newby

by Anthony Estrada  
Gearing Rackner et al

New attorneys are all too aware of the challenging job market that awaits them upon passing the bar. Many have friends and family nearby to ease them through the difficult transitional period. Ryan Newby did not have that luxury.

"A lot of my support system was back in California. Those who weren't in California were not in Oregon either."

Ryan attending Hastings Law School in California, in part due to its focus on public interest law and reputation for producing highly-trained public servants. While a student, Ryan interned at the San Francisco District Attorney's office and assisted with felony work. Upon graduation Ryan moved to Oregon, passed the bar exam, and found himself at a crossroads familiar to many with ink still drying on their diplomas.

"I had no idea what to do with myself. I needed a purpose. My housemate who also went to Hastings found out about an orientation for new attorneys at Legal Aid and we went."

Shortly thereafter, Ryan was representing clients in restraining order hearings on a pro bono basis. He had always been interested in domestic violence work.

"I was in a position to do some good for people. I think a lot of us become attorneys because we see these horrible things happening and we want to do something about them. We want some control over our universe."

Ryan spent hours preparing for his first FAPA (Family Abuse Prevention Act) hearing. He consulted with Maya Crawford, the supervisor of Legal Aid's pro bono project, who provided advice and support. In the end, Ryan succeeded in getting his client's restraining order upheld.

"It was the most amazing feeling. I really felt like I had been down in the trenches with my client. For a lot of people, having their restraining orders upheld is the first time they've been vindicated in public. In addition to the police protection afforded by the order, having a judge hear you and believe you is amazing. This was the first time I had gotten that for a client. It was great. I wanted to do it again and again."

Ryan took on additional pro bono work and continued to work hard for his clients. He sat



Ryan Newby

in on restraining order hearings and observed the proceedings. His efforts provided him with the opportunity to learn from local judges.

"When I went to observe, often judges would ask me to stay after the hearing. They'd ask if I had any questions, ask what I was doing with myself. Everyone has been that way, taking the time out to talk about my career and attempts to make a life for myself here. This is one of the awesome things that sets Oregon apart from a lot of places. It's a small community and it's important to everybody in the bar that new attorneys have some support and some idea as to how things work. It makes everyone in the bar better."

Ryan continued to engage with his local legal community and develop a network of professional contacts. It was through this network and his volunteer work with the Domestic Violence Project that Ryan was made aware of a judicial clerkship opportunity in Multnomah County. Ryan applied for the position and got the job. He is now clerking for three judges on a rotating basis.

"I get to clerk for a number of dockets – family law, a lot of domestic violence – which I find really interesting. Whatever my future is, I want it to be about protecting victims of domestic violence."

Ryan offers the following advice to new bar members: "I think it's important to get over social anxiety and just reach out to people. Join professional organizations. A lot of them will help you out with dues or CLE costs. Do volunteer work. See which organizations strike your interest and take full advantage of all the mentoring programs out there. Even organizations that don't have official programs have people who want to be mentors and are mentors to a lot of young people. You just have to put yourself out there."

## Elisa Dozono Miller Nash

### ONLD Award to Individual in a Firm

by Lindsey Craven

Over the past year, Elisa Dozono has engaged in over 800 hours of pro bono work, both in direct client representation and volunteering for nonprofit organizations.

Some of her representative work includes a long-standing American Civil Liberties Union case involving prisoners' rights, an international family adoption case, and representing a mentally ill man in serious criminal proceedings.

In addition, Elisa has been extremely active in local government and community organizations throughout her professional career and particularly over the past year. She has served as a leader of the Metropolitan Exposition Recreation Commission, which oversees the regional convention,

exposition, and performing arts facilities; a director of Albina Opportunities Corporation, an organization that supports women and minority-owned businesses; a director of the Cascade AIDS Project; and is the founding president and an active board member of Emerge Oregon, a seven-month intensive training program that encourages and prepares women to run for elected office.

Elisa also served as the president of the Oregon Asian Pacific American Bar Association this past year and was a member of the Governor's Judicial Screening Committee.

Elisa has been practicing law in Oregon since 2006. Before joining the legal profession, she had an extensive career in



Elisa Dozono

communications management and government relations, working for the Port of Portland, Portland Mayor Vera Katz, Governor John Kitzhaber, and KATU television. Her current practice as a partner at Miller Nash focuses on business litigation and government relations.

The ONLD applauds Elisa Dozono for her tireless dedication and pro bono service to her community, and congratulates her for this well-deserved recognition.

## Risa Davis

### Davis Law Offices

### ONLD Award to Solo Practitioner

by Jaimie Fender

Risa Davis is a solo practitioner with a primary focus on civil rights, employment law, family law, juvenile law and minor criminal defense. Prior to opening her solo practice, she worked as a certified law clerk for the Washington County District Attorney's Office and as a Senior Civil Rights Investigator for the Oregon Bureau of Labor and Industries.

In 2006, Risa graduated summa cum laude from Portland State University with a BA in political science. She received her JD in 2010 from Lewis & Clark Law School, where she demonstrated her passion for public interest and pro bono activities, twice winning the Pro Bono Honors Award.

Following her graduation from Lewis & Clark and the establishment of her practice, Risa continued her relentless commitment to pro bono service and volunteerism, reporting 1,526 pro bono hours in 2011. She divided her impressive pro bono

activity between volunteering for various legal organizations in the Portland area and providing representation directly to those in need.

Risa volunteered with the Oregon Crime Victim's Law Center, a nonprofit 501(c)(3) organization that advocates for crime victims, where she represented victims and enforced their rights in various criminal cases. She also volunteered for the LASO Domestic Violence Project, where she represented petitioners in contested restraining order cases.

In addition to her pro bono work with nonprofit legal organizations, Risa also provided individual legal representation to many clients who could not otherwise afford attorney assistance. These cases primarily consisted of Family Abuse Prevention Act and custody matters, but her services expanded to multiple legal fields; including representing a client in a conflict with the Oregon Nursing Board.



Risa Davis

While successfully juggling her solo practice and her myriad of pro bono activities, Risa has also remained committed to community involvement. She has visited social studies and political science high school classes throughout the Portland Metro area, explaining to students the basics of the local and state legal systems, as well as their basic civil rights. In her spare time, she also volunteers with Store to Door, a nonprofit organization that provides groceries and delivery services to elderly and disabled individuals in Multnomah County.

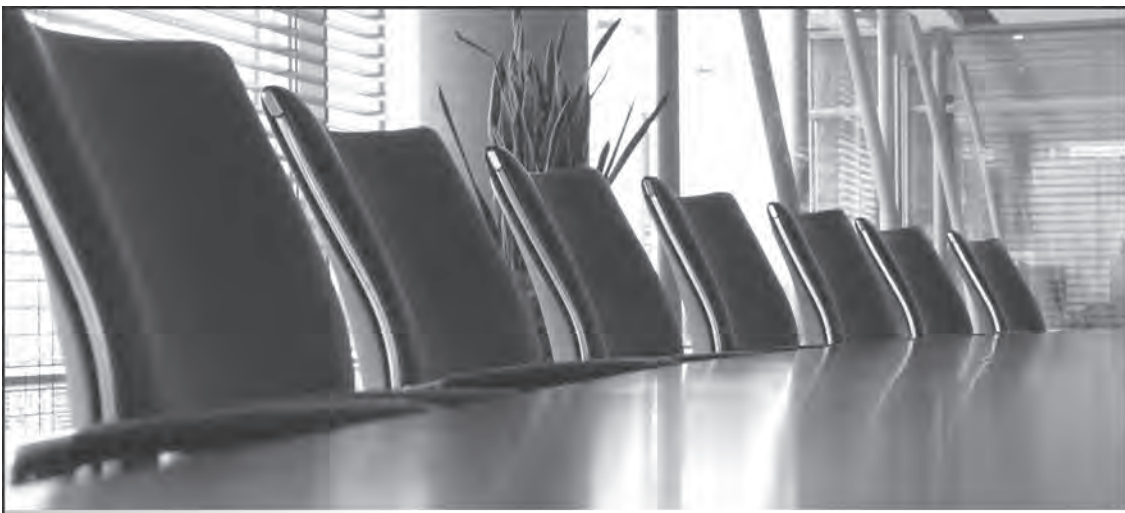
The ONLD applauds Risa Davis for her tireless dedication and pro bono service to her community, and congratulates her for this well-deserved recognition.

webcheck

Update your Member Directory profile in the MBA Member Center:  
<http://www.mbar.org/Membership/Login.html>







# Barker

## Mediation & Arbitration

Request dates for mediation or arbitration from the Available Dates page at [barkermediation.com](http://barkermediation.com).

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### The Corner Office

*Continued from page 5*

In addition, law firms are asked to adopt a written pro bono policy. Law firms and individual lawyers are asked to financially support legal service organizations of their choice. The hope behind the pledge is to use a one-two punch - time and money - to break down the barriers that block so many Oregonians from access to justice.

By each of us giving a relatively small amount of our time, we can make a significant contribution to our community, our court system and our society. We have the power and the duty to make a difference in people's lives. For more information on the Pro Bono Pledge or how to get involved in pro bono services go to, [www.mbabar.org/AboutUs/ProBono.html](http://www.mbabar.org/AboutUs/ProBono.html).



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# Any Athlete Will Tell You That Injuries Happen

Some break careers. Some spur comebacks. And others prompt course corrections.

Stoll Berne's Keith Ketterling likely falls in that last camp.

A third knee injury and ACL replacement in 2002 seemingly ended his 33-year soccer career and put him on a path to becoming the passionate bicycling enthusiast he is today.

"Initially, I went through a period of depression but cycling then became a key aspect of my rehabilitation, and eventually my new passion. I just got hooked," says Ketterling, who now not only bikes many days to his downtown Portland office from his home in Lake Oswego, but also serves as Cycle Oregon's board vice president.

In this capacity, Ketterling oversees Cycle Oregon's weekend and week rides, taking roughly 2,000 riders each July and September through mostly rural, remote and scenic parts of Oregon. Ketterling also fully supports Cycle Oregon's mission to transform individuals and communities through cycling.

In an effort to create new cyclists in areas where Cycle Oregon travels, Ketterling was instrumental in developing the Cycle Safe Program. Cycle Safe is a kids' education program aimed at developing and supporting young, recreational cyclists by providing bikes to local communities, training local volunteers in a weeklong program to teach young people how to be safe and responsible riders.

"While we give back in many ways to the communities we visit each year, we realized that many

of them lacked any type of bicycle education programs," Ketterling says. "Cycle Oregon decided it made sense to expose these communities to bicycle education and the true benefits of cycling, and ultimately, the very essence of Cycle Oregon."

For 2011, Cycle Safe provided 20 bikes and helmets as 31 children (ages 6-18) in the Cottage Grove area completed the weeklong program and learned to ride with traffic and obey traffic signals. The Boys and Girls Club maintained the bikes and has also used the bikes for three different field trips as part of an ongoing mission to keep kids active.

*Continued on page 19*



Ketterling (far left) and Stoll Berne have their own cycling kit – Two & Oak Cycling, named for the firm's location at the corner of 2nd and Oak in Portland

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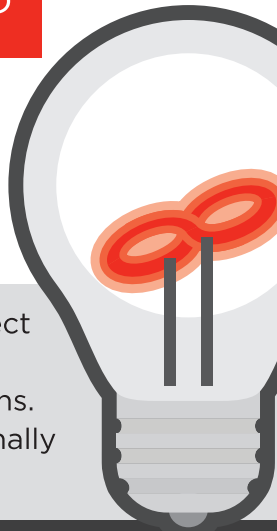
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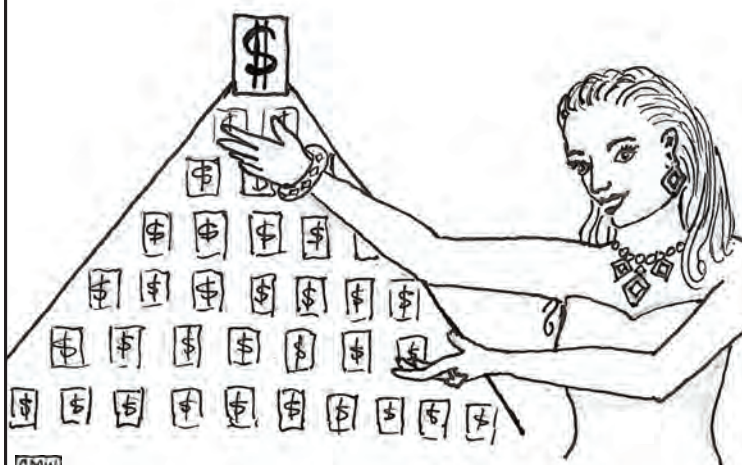
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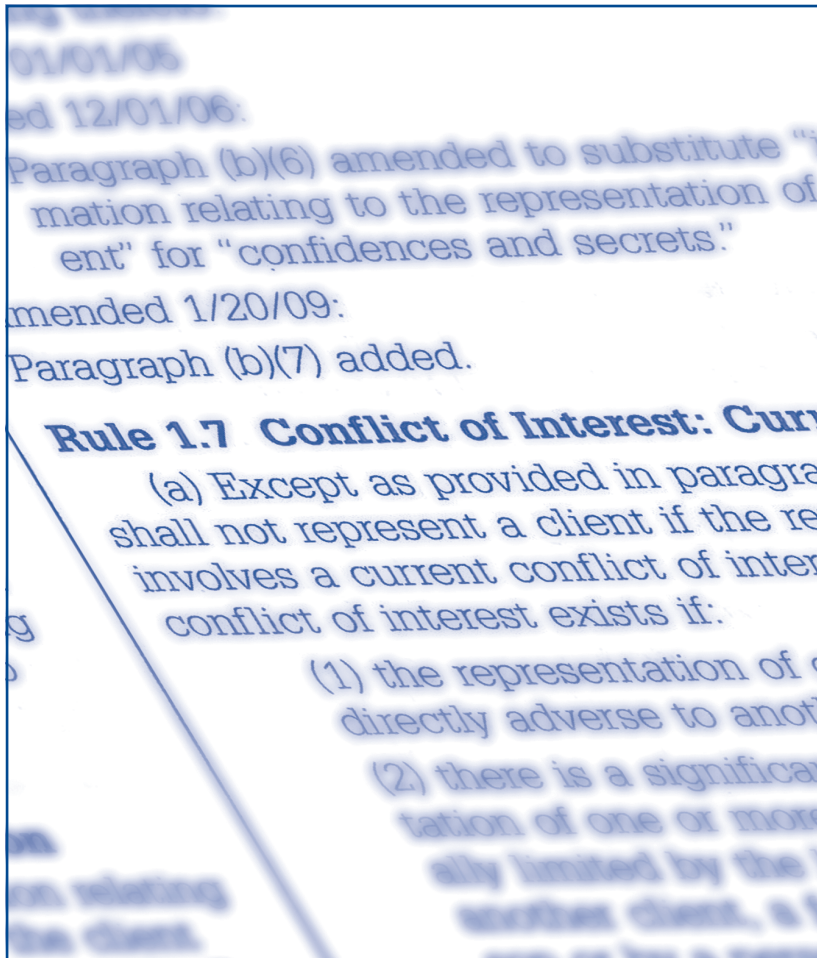
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### Any Athlete

Continued from page 15

"We see Cycle Safe as an opportunity to bring cycling to kids in rural Oregon who may not otherwise have such opportunities," Ketterling says. "At Cycle Oregon, we really do believe that individuals and communities can be transformed through cycling - Cycle Safe provides that transformation. Cycle Safe teaches and prepares these children to transform their lives and their communities through cycling."

Ketterling, one of Stoll Bernes' managing shareholders, does not reserve his adaptability, passion or ingenuity just for cycling. Fortunately for his clients, he brings it to court too. Ketterling is a trial lawyer who represents institutional and individual investors, and corporations, in securities and financial fraud litigation. He also handles matters involving securities class actions, trade secret and noncompetition litigation, and other complex business litigation.

Some of Ketterling's most rewarding work is representing Oregon as a Special Assistant Attorney General, seeking to recover losses suffered by Oregon PERS and the Oregon College Savings Plan due to financial fraud. For example, Ketterling represented the Oregon State Treasurer and the Oregon College Savings Plan against Oppenheimer Funds for Oregon Securities Law violations. Oregon was the first state to sue for recovery of the losses and the first state to settle and return funds to the plan. Keith worked with the AG and Treasurer to return in excess of \$20 million to the plan.

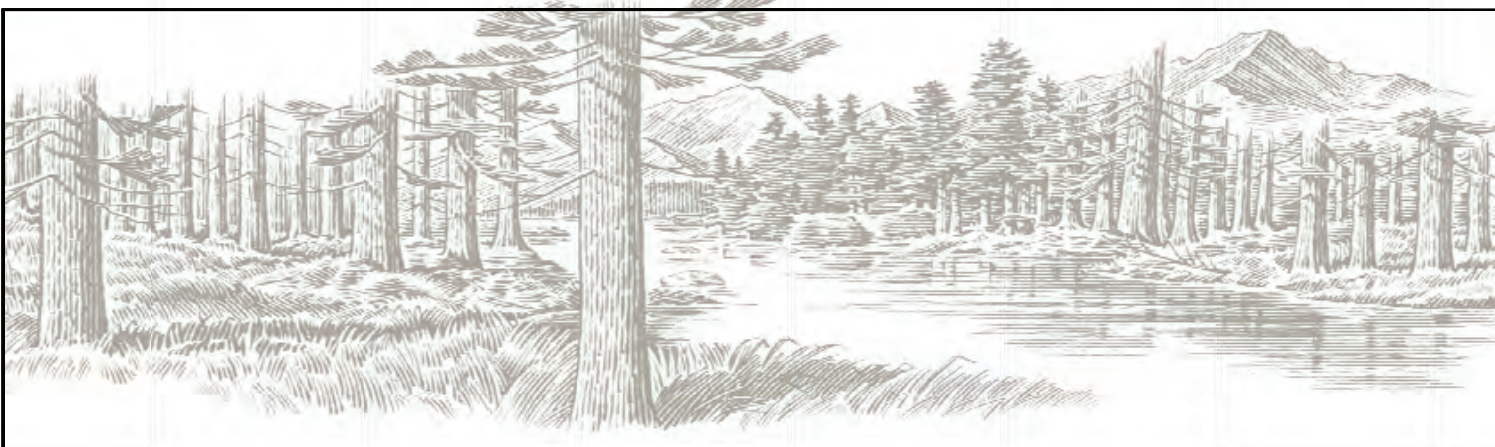
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### MBF Social at Barran Liebman Celebrated Civic Education Donors, Grantees, CourtCare and Signature Video Project

by Pamela B. Hubbs  
Office and Foundation Administrator



Will Patterson, Jim Westwood, Chuck Tauman, Ed Harnden, Tim Volpert and Thom Brown



Amy Angel presented the Proudest Pride CourtCare trophy to Carol Noonan on behalf of Davis Wright Tremaine



Loree Devery and Laura Salerno Owens



Ed Harnden and Richard Vangelisti



Caitlin Baggott, Bus Project, and Jim Westwood



Emily Vidal and John Lugton, MetroEast Community Media, presented the civic education and Legal Logic videos



Laurie Huffman and Michelle Reynolds represented VOA Oregon



Guy Walden and Leslie Nori Kay



Traci Ray with MBF President Ed Harnden



Cindy Gaddis and Alexander Gund Harnden

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