A Century of Service

MULTNOMAH BAR ASSOCIATION

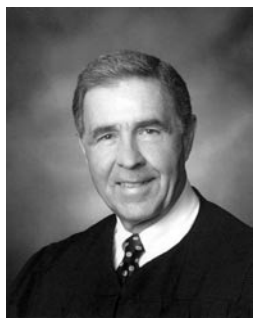
100TH ANNIVERSARY

1906 - 2006

A Grand Tradition Celebrating a Century of professional courtesy and goodwill among Multnomah County Lawyers

By Hon. Garr M. King, US District Court.

Today, "professionalism" is actively promoted by numerous legal organizations through education programs, adoptions of codes and professionalism awards. In recent years the MBA has been a leader in this area, recognizing as early as 1986 that problems of unprofessional conduct were a subject of concern throughout the organized bar. Thereafter, the MBA adopted a Professionalism Statement, initiated an annual professionalism award, which was selected by the ABA as one of eight model mentor programs, and in 1998 convened a "Summit on Professionalism" which resulted in a number of initiatives, including the MBA Professionalism Training Program. The *Multnomah Lawyer* regularly contains articles and columns addressing the subject of professionalism and ethics, such as Robert Neuberger's "From the President" article of May 2004 and Kelly Hagan's discussion of professionalism in the December 2005 publication. Since 2003, Mark Fucile has published an informative column on ethics issues and decisions and recently "The Corner Office" has been added which address scenarios involving sticky situations lawyers often find themselves in.



It is clear that in the last 15 or so years, the need for and the benefits of professional conduct and collegiality have been a focus of the MBA, but is this a new phenomenon? Fortunately, the answer is a resounding "NO." For the last 100 years, and undoubtedly longer, the practicing attorneys in Multnomah County have had the good fortune to be members of a bar that has fostered and maintained courtesy, civility and professionalism in the practice of law. The MBA came into existence on February 17, 1906 when a constitution and bylaws were adopted. The minutes reflect that "50 gentlemen signed the membership roll." The full object of the MBA set forth in the constitution is printed on this page. It embodies the essence of professionalism.

True to their charge, this group of "gentlemen" presented programs in 1907, 1910 and 1911 addressing the subjects of "courtesy," "ethics of personal damage cases," "judges - ethics and demeanor," "the lawyer and his duty to the public" and "reciprocal courtesy between bench and bar." From that point until approximately 1986, no minutes mentioned the subject, although minutes are missing from 1938-1978. What was occurring between 1911 and 1986? Were these years the dark ages of professionalism? Fortunately, the memories of practicing lawyers, and the example set by Multnomah County attorneys make it clear that professionalism was a fact of life for practicing lawyers.

The Object of the MBA set forth in the Constitution was:

"To raise and maintain the dignity and honor of the legal profession, and to prevent it from degenerating into a business; to increase its usefulness in promoting the due administration of Justice; to cultivate social intercourse among its members, and to enforce such discipline among its members as shall promote the observance of dignity and courtesy among the members of both bar and bench, and prevent unprofessional conduct; and to recommend, advocate and work for the enactment of such laws as shall promote good government."

–February 17, 1906

To confirm my personal feelings, I discussed our professional history with a number of lawyers. Jack Faust (MBA President 1974-1975) recalls that when he was a young lawyer "professionalism was little discussed because it didn't need to be; professionalism was a way of life." While the MBA did not have a staff, it held monthly meetings, had a wonderful annual banquet and put on some legal and educational programs. He recalls that lawyers dealing with each other rarely sent letters confirming discussions. There were a few attorneys who presented problems, but everyone knew who the "bad guys" were.

Jack Faust

Cliff Powers was admitted to the Oregon Bar in 1930 and practiced in Multnomah County for over 70 years. He recalls that when he was in law school he was told by one of his professors "you will never get rich, but you will be respected in your community." This was the message he carried with him into the practice of law. Cliff practiced in both small firms and as a sole practitioner. He recalls that from the '30s into the 1980's it was not the practice to write letters confirming agreements. You trusted and respected the lawyers you dealt with. Cliff recalls only one run-in with a lawyer over professional conduct (a retired judge). "The bar was like a family, the general atmosphere was civil and professional. The lawyers were my friends and I was proud to say that I was a practicing lawyer." Cliff recalls the development of the Multnomah Bar and believes that as time went by, it was important to the bar, particularly to the younger lawyers.

Tom Cooney has practiced law in Multnomah County since 1956, and was a recipient of the MBA Professionalism award. He recalls that "in the old days" you ran into the same attorneys on a regular basis. Lawyers seemed to practice by the "golden rule." It was not unusual to meet the other lawyer for lunch, agree on what discovery would be taken, talk about the case and at least make a start on getting it amicably resolved. Lawyers seemed to have mutual respect for each other and wanted to protect their reputations for fair dealing. At that time there were fewer than 1,000 practicing lawyers in Multnomah County (the thousandth lawyer was sworn in by Judge James Crawford in 1961). As the bar grew it did seem that lawyers became more adversarial and antagonistic and this resulted in the convening of the Summit on Professionalism by the MBA President Al Menashe. The goal was to get back to the professionalism level previously experienced.

J.W. Crawford as Willamette University Graduate. Courtesy Oregon Historical Society

Bill Crow, who was admitted in 1961, is a former OSB president. His general feeling was that the lawyers "knew and respected each other." If there was someone you couldn't trust "word got around." Bill hasn't seen a decline in professionalism. While he recognizes that in the "olden days" lawyers tended to know each other, he believes we have a very good bar which is cooperative, responsive, honest and does not engage in obstructionist conduct.

While there was no formal program in the past, mentoring was a fact of life among the lawyers and was particularly important to the many lawyers who practiced alone or in small firms. Tom Carter, who began practicing in 1966, recalls that he

(continues on next page)

A Century of Service Pullout

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

In planning the focus of this pullout, we chose enduring themes from past board minutes, scrapbooks, newsletters and interviews with your colleagues who've been around for the better part of MBA's first century. You will find retrospectives on the themes, as well as how they are viewed today.

The subjects include independence of the judiciary, importance of professionalism in the Portland legal community, political activity, public outreach and a tribute to past board secretaries (see reprint of 1937 minutes) who have toiled through the years as unsung heroes/heroines.

We invite members to give us responses to anything in this pullout section and of course to offer suggestions for topics for future editions. If you would like to write a story or article for the pullout, please contact Judy Edwards, MBA Executive Director at judy@mbabar.org.

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MBA 100th Anniversary Community Gift Fund Continues to Grow

To commemorate the MBA's past century of service and to launch it into the next century of service to the community, the MBA has created the *Multnomah Bar Association 100th Anniversary Community Gift Fund*. It will be administered by the newly formed Multnomah Bar Foundation and will promote civic education and participation. The MBA kicked off the fundraising campaign by committing $50,000 to the fund. Listed below are those who have already made their generous donations or pledges. More names will be added throughout the year. If you want to add your name to the list, please contact Guy Walden at MBA at guy@mbabar.org.

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The MBA and the Fight for Judicial Independence in Oregon

By Roy Pulvers, Lindsay, Hart Neil & Weigler.

"Judicial independence is a cornerstone of a democracy committed to the rule of law. It is incumbent on both lawyers and judges to educate the public about the critical importance of judicial independence so that Oregon's citizens will continue to support and keep faith with the state's history of dedication to the fair and impartial administration of justice."

Chief Justice Paul J. De Muniz

As the partisan drama of a Supreme Court confirmation unfolds in the nation's capital, and as so-called "Judicial Accountability Acts" begin to proliferate nationally and as initiatives in Oregon, it is the right moment to recall the history of judicial independence in Oregon and the place of the MBA in that history. Spanning nearly all of its hundred years, the MBA has played an effective, important role in the fight for judicial independence in this state.

Multnomah County Courthouse, circa 1910

From 1859-1931, judicial elections in Oregon were partisan, with judges running on the ballot under the banner of the political parties. In 1912, at the sixth annual banquet after its founding, the MBA featured speeches on "An Independent Judiciary" by Wallace McCamant, "Recall of Judicial Decisions" by Ralph E. Moody, and "Peripatetic Justice" by Robert G. Morrow. Although the texts of the speeches appear lost to time, the subject matter persisted, and in 1919, the MBA discussed the endorsement of legislation to provide for a non-political judiciary and then adopted a resolution to "go on record approving the principles of a non-political judiciary."

That December 1919 resolution led to prompt MBA Board action. A bill for a law had been drafted by an MBA committee, and in January 1920 the board authorized the committee to present the bill to the legislature and even to initiate a petition to place it on the ballot. Fast forward to 1930. The OSB proposed a bill advocating non-partisan judicial elections, and the 1931 Oregon Legislative Assembly passed the bill into law. That signal piece of legislation, first proposed by the MBA in 1919, has continued to provide for our nonpartisan judicial election system to this day.

The voters had not been silent on the subject of judicial independence either. Using their relatively new initiative power, the electors in 1910 amended Article VII of the Oregon Constitution to de-politicize and shift Supreme Court elections from electoral districts to statewide elections, and to continue to require the Justices of the Oregon Supreme Court to subscribe to an oath to support the state and federal constitutions and "faithfully and impartially" discharge their duties.

The subject of judicial independence kept a low profile in Oregon for many years, while the subject came to the fore nationally on occasion over the next decades, including FDR's plan to "pack" the Supreme Court in the 1930s, the movement to "Impeach Earl Warren" in the wake of the Court's decision in *Brown v. Board of Education* in the 1950s, and the societal pressures on Southern judges during the civil rights movement that transformed the South and reached its height in the 1960s.

Among the shameful embarrassments of the civil rights era were the failures of the Southern state and local bar associations to support the independence of the judiciary and to educate the public about the critical role that impartial legal decisions play in creating respect for and enforcing the rule of law. Judge Frank Johnson in Alabama, one of the true heroes of that time, said that he could excuse the individual lawyers who did not speak out, but he believed that the organized bars in the South "completely abdicated their [responsibility] to take some action defending judges that are under unwarranted criticism for court decisions that they have been required to make."

In a 2002 *Willamette Law Review* article on judicial independence (which was cited by Justice Stevens in his dissent for four Justices in the most recent judicial elections case and from which I have gratefully lifted some of the Oregon historical facts in this piece), Oregon's Chief Justice Paul J. De Muniz observed the increasing pressures on judges facing election in the last 15 years to confront issues of public policy and to run full-blown electoral campaigns, which often are necessary in order to counter public misperceptions about the role of an independent judiciary in our system of government. Like Judge Johnson, Chief Justice De Muniz (along with his predecessor Chief Justice Carson) recognized that judicial independence requires the "vigilant and able support of the bar," including consideration of some mechanism to respond promptly to misleading ad campaigns attacking judges and the courts during judicial elections.

Chief Justice Paul J. DeMuniz

In keeping with those concerns, the MBA has been actively involved with the Multnomah County Circuit Court's Judicial Outreach Committee for the last couple of years. The committee holds annual open houses with legislators and has given over 100 presentations to civic, neighborhood and religious groups. The OSB also has taken a much more active role of late in trying to engage lawyers throughout the state in public dialogue to educate people and support the independence of judges and judicial decisions, which is an issue that arises most often with respect to decisions in high-profile criminal cases and decisions affecting the validity of initiatives.

In 2002, the MBA faced what it considered the most serious threat to judicial independence in Oregon since it had first advocated for a nonpartisan judiciary more than 80 years before. The MBA helped to organize and stood shoulder to shoulder with a broad coalition to successfully engineer the defeat of the so-called "Judicial Accountability Act," Measures 21 and 22, which would have adopted an electoral system that included votes for "none of the above" in uncontested elections and the establishment of geographic electoral districts for the state's appellate courts. That coalition included not only other bar groups (including the Oregon Law Center and the Oregon Criminal Defense Lawyers Association), but also six former, present and future Governors, former Chief Justice Edwin Peterson and former US Attorney Kris Olson, law professors, "good government" groups like the League of Women Voters, issue interest groups, the Oregon Business Association, the ACLU and labor unions (including SEIU, AFL-CIO, and AFSCME).

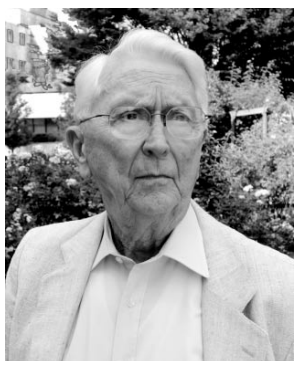
As we head into the MBA's second century of public service, the MBA shows every sign that it understands the importance of a "vigilant" bar, ready and able to stand up for the independence of the courts when the occasion arises. In the spirit of what Wallace McCamant might have said when he addressed the MBA's annual banquet in 1912 on the subject of an independent judiciary, let me close with a suggestion.

Perhaps it is now time to promote an amendment to the Oregon Constitution to prohibit elections to recall judges during their terms of office so long as the judges are on "good behavior," which is of course the federal constitutional standard. Judges in Oregon are accountable to the citizens at the polls every six years; a truly independent judiciary should not be accountable at the polls every time a judge makes a controversial ruling.

Editor's Note: The views stated in the last paragraph are the author's and not a position taken by the MBA.

A Grand Tradition
(continuation)

had a number of lawyers who acted as mentors as he was learning the ropes. They were willing to answer questions and assist in any way that they could. As a small firm practitioner, he experienced the same goodwill and professionalism as the lawyers in the large firms. He cannot recall a real ethics controversy and stresses the collegiality that he had with the practicing lawyers.



Justice Edwin Peterson

Justice Edwin Peterson practiced law in Portland from 1957 to 1979 when he was appointed to the Oregon Supreme Court. (Ed was the MBA president in 1972-1973.) Ed liked to say that you could put up a board with the names of all the practicing lawyers, fire a dart at it, and just about every time, hit the name of an honest, upright, cooperative advocate. He also recalled that lawyers who were hard to deal with often received retribution from their opponents. "Their professional life was not a happy one."

Garry Kahn started practicing as a plaintiffs' lawyer in the early '60s. He recalls Judge James Crawford (MBA President in 1929-31), who taught ethics at Northwestern College of Law telling his students that "you don't practice law in a vacuum. People will treat you as you treat them." This was confirmed by Garry's trial practice mentors, Phil Levin and Frank Pozzi. Garry feels that the trial lawyers were generally a collegial group. You knew you would see each other frequently. Matters were handled with a handshake or a phone call. Generally there were lots of stipulations which tended to avoid discovery and help resolve issues. Garry notes that in recent years, the bar has grown and many times you don't know the attorneys on the other side of a case, which may result in communication issues.

In reviewing the bar history, I noted that from 1906 to 1987, no woman served as president until Susan Hammer in 1987. There is no doubt that women attorneys have had to struggle and to outperform in order to achieve equality in the practice of law. Did women lawyers enjoy the professionalism which we believe to have been practiced by MBA members over the years?

Susan Hammer

There is little in the way of recorded history, but Chris Kitchel has practiced as a trial lawyer since 1981 and reports that she has had "incredible support" within the bar from older male lawyers. She believes that Oregon is unique in the way that it deals with gender issues. She feels that there is a casualness of working together that results in a very comfortable relationship. She notes that if you grew up practicing in Oregon, you take this professionalism and general courtesy for granted. One reason is that lawyers in Oregon deal lawyer-to-lawyer rather than as adversaries and Oregon lawyers are more considerate of each other.

The Multnomah Bar has a grand tradition of courtesy, cooperation, candor and of mentoring new lawyers, and it is clear this is one of the reasons lawyers in the MBA practice in a very professional and collegial manner. It is true that with the growth of the bar there are more "offenders" now than in the past, but this is probably due to a lack of training and communication.

Lawyers are problem solvers; their conduct should not increase difficulties between people who already have difficulties. In Oregon, we require a high level of professional conduct from our practitioners. Since its inception, the Multnomah Bar has set an example for professionalism and courtesy among lawyers and continues to strive for the highest standards of ethical conduct, professionalism, civility and collegiality.

A League of Their Own

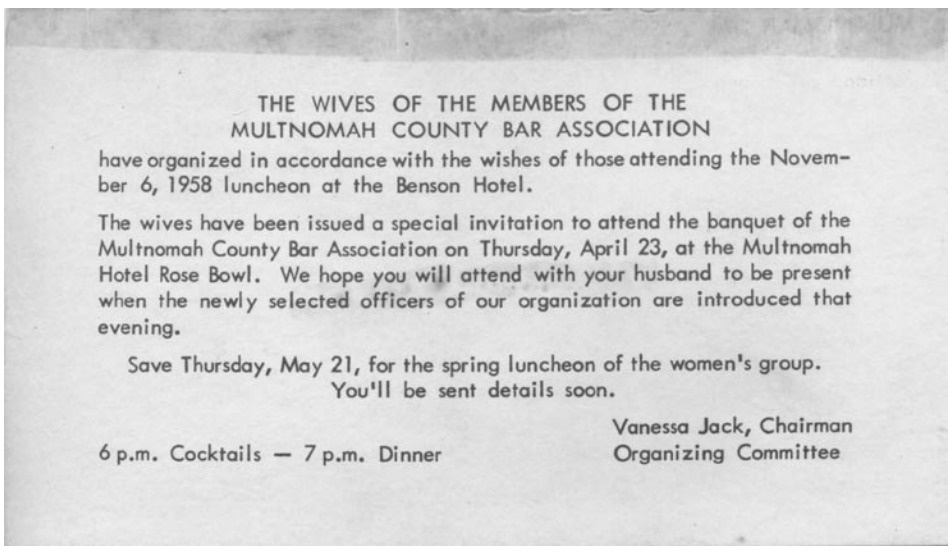
By Michael Dwyer and Caitlin Dwyer.

In 1958, the MBA – comprised overwhelmingly of men - wanted to improve public outreach and so they turned to the best resources they could find: their wives. The MBA asked the wives of lawyers to form a new group, called the Women's Association or the Women's Auxiliary, that would "bring attorneys' wives together in behalf of the public service programs of the bar associations." Functioning as the social and public arm of the MBA, the Women's Auxiliary fleshed out the bar's public image, provided legal-oriented volunteerism and offered a social venue for local attorneys and their wives. The organization was active throughout the 1960s in providing scholarship funds for Oregon law students, volunteer work for the legal aid program and a thriving social scene for Portland-area lawyers and their spouses.

Michael Dwyer

Membership was "open to wives of members of the Multnomah County Bar, and to women members of the County Bar," according to a clipping in the scrapbook of articles, invitations, photos and event information that the association kept during its active years. The wives of prominent lawyers often became the heads of the organization. For instance, Mrs. Glenn Jack, the inaugural president of the organization and chair of the events committee, was the wife of the Honorable Alan Jack, then president of the OSB. The officers changed annually, though many of the women stayed involved on top levels even after their terms expired.

Multnomah Bar Belles
Clipping from newspaper, Spring 1960



THE WIVES OF THE MEMBERS OF THE
MULTNOMAH COUNTY BAR ASSOCIATION

have organized in accordance with the wishes of those attending the November 6, 1958 luncheon at the Benson Hotel.

The wives have been issued a special invitation to attend the banquet of the Multnomah County Bar Association on Thursday, April 23, at the Multnomah Hotel Rose Bowl. We hope you will attend with your husband to be present when the newly selected officers of our organization are introduced that evening.

Save Thursday, May 21, for the spring luncheon of the women's group.
You'll be sent details soon.

Vanessa Jack, Chairman
Organizing Committee

6 p.m. Cocktails — 7 p.m. Dinner

Announcement from 1959

The organization began by coordinating fundraisers for a scholarship fund for Oregon law students. They organized dances, balls, teas and luncheons. "Fund Raising Funds" in 1959 featured "High Hat Fashions," dessert and an "afternoon of cards," with profits going to the scholarships. Events were open to "Portland attorneys and guests" and were by invitation only, although members were encouraged to bring guests. Most of the events were luncheons or fancy dinners at downtown hotels and drew a high-society crowd from the law community rather than a truly public audience. An annual "Barrister's Ball" raised money for the scholarship fund.

The Women's Association gave out their first scholarships, for $300 and $200, to local law students Bernie Jolles at Northwestern College of Law and Garland Hunter at UO in 1960. Although they raised the money for the scholarships, the women were not on the decision-making committee. A group of three men, judges and lawyers, reviewed the applications and chose the winners based on scholarship and need.

The organization also assisted with large-scale bar events. They served as guides for wives of visiting attorneys during the ABA Regional Conference in May of 1960, touring the Rose Gardens, the Portland Art Museum, the Sanctuary of our Sorrowful Mother, the Zoo and the newly built Lloyd Center. The weekend also featured high-fashion teas and dinner parties at homes of Portland attorneys.

The Women's Association brought speakers to Portland, usually to highlight a luncheon fundraiser. Early speakers included John Stone, a "liaison man" from the ABA to Hollywood who advocated for the portrayal of film lawyers as "figures of probity and dignity" and Gary Cooper, president of the Los Angeles Bar and defender of Dr. R. Bernard Finch, who had been accused of conspiracy with his mistress to murder his wife. As the 1960s progressed, the association began to bring in female speakers or speakers with an interest in women and the law, including Dr. Hester Turner, dean of Students at Lewis & Clark and a 1963 Theta Sigma Phi Woman of Achievement, who urged women to explore career options; Margot Taylor, a refugee from East Germany who spoke on political apathy; and Professor Soia Mentschikoff of the University of Chicago, one of six women to hold such position in the United States at that time.

As the organization grew, the women were able to expand from solely social functions to more direct volunteerism. They took over the Legal Aid Committee, which was badly in need of volunteers in September 1961. Thirty-five hundred or four thousand people applied to the Legal Aid office each year during the 1960s for free legal assistance. The women staffed the office and interviewed applicants for the free legal aid services. "The volunteers take information from each person seeking free legal aid which helps the lawyers determine whether or not the cases justify the attention of the agency," noted an article in the *Oregon Journal* on November 1, 1961.

(continues on next page)

Minutes of Meeting of Multnomah Bar Association October 13, 1937

By Ralph C. Hoeber, MBA Secretary.

On Wednesday, October 13, 1937, a luncheon meeting of the Association was held at the Portland Hotel, with 113 in attendance. President John A. Beckwith presided.

John A. Beckwith, 1939
Courtesy Oregon Historical Society

Mr. W. M. Davis reported on the state of health of our good friend and fellow member, Mr. George S. Shepherd. It was moved and passed to send the patient a bouquet of flowers as a visible indication of our esteem and good wishes for a speedy recovery.

Mr. Arthur A. Goldsmith, chairman of the Golf Committee, reported on the Association's golf tournaments. That a record of the three tournaments, the winners thereof, and a list of the firms and individuals donating prizes, might be preserved for the future, Mr. Allen H. McCurtain has included this information in a letter dated October 12, 1937 and addressed to the secretary. This letter is appended to the minutes of the meeting.

Francis Brown
Courtesy of Oregon Historical Society

A report on the meeting of the American Bar Association and an explanation of what that Association means to Oregon lawyers, was given by Mr. Sidney Teiser.

The meeting which is the subject of these minutes, had been called to honor two new judges in the state, and to introduce to the bar the lawyers of our county who, within the past year, had been admitted to practice in our state. The Program Committee had invited Judge J. P. Kavanaugh to speak for the bar on "Oregon's New Judges", - Mr. Justice Claude McColloch of the Federal District Court for the State of Oregon, and Mr. Hall S. Lusk, of the State Supreme Court.

Making the point first that these judges are "comparatively young men, as we measure the span of professional life; their stars are still in the ascendant, their faces turned toward the future", and then the point that the honor conferred upon them was "the reward of honest, patient toil, - a salutary lesson, especially to our younger members", the speaker then developed his main thesis: Our duties as members of the profession to the judges, the duty of judges toward the profession, and our common tradition of service to the Nation and mankind. At the conclusion of the speech, the membership arose to their feet with one accord, in delighted appreciation of the masterful address. An almost verbatim copy of the address as given, is appended to these minutes.

This address was followed by one entitled "Welcome to the Ranks", given by Judge James W. Crawford, to lawyers of Multnomah County who had been admitted to practice during the past year. Your secretary regrets to report that before Judge Crawford was well into his speech, your secretary was so awed by the combined oratory of the two speakers, and listened with such rapt attention, that he forgot to take notes on this second speech. When he later approached Judge Crawford for a copy of his talk if he could recall it approximately, the Judge informed his petitioner that he would take the matter of furnishing a copy under judicial advisement, where the matter still is. Your secretary feels it his duty to call attention to the fact that by section 28-1702 of the Oregon Code, it is the duty of any judge to decide any question submitted to him within three months of such submission; that more than three months have elapsed since the petition for the copy of the speech; that by said section, unless a judge swears all matters submitted to him more than three months ago have been decided, he may not draw his salary. If the delinquent judge in this matter will furnish a copy of the speech with all due dispatch, the secretary will move this Association for authority to issue a nunc pro tunc order, thus enabling the said judge to continue collecting the more tangible emoluments of his office.

George S. Shepherd, circa 1904
Courtesy Oregon Historical Society

At the conclusion of the address just alluded to, the new members of the bar were introduced, one by one, and certificates of membership in the Association, running to the next annual meeting, were presented to these new members of the bar with the compliments of the Association.

This brings the account of the meeting to a close, and while by the rule of strictissimi juris, comments unconnected with meetings of the association have no place in the minutes thereof, your secretary cannot refrain from adding as he relinquishes tonight his duties of office, that it has been a pleasure to serve you. The big compensation of the office is that it enables the young attorney to widen his acquaintance and contacts with the bar in a way he otherwise could not possibly do. For that privilege, I am grateful. I have also appreciated the opportunity to work with President John Beckwith, and chairman of the program and entertainment committee, Jack Binford. By the nature of the secretary's close, and from that advantageous position, I can say that the two individuals just named have labored untiringly and unselfishly to make the meetings and activities of the Multnomah Bar Association of worth to the profession.

To my successor in office I bequeath a job that he will find, I predict, taking an unsuspected amount of his time, but a job which, I trust, will yield him, as it has me, an even greater amount of satisfaction.

Respectfully submitted,
Ralph C. Hoeber
Secretary

Which Are We? A political or non-political organization

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

When I began researching this topic, I assumed we would be tracing the non-political nature of the MBA. With the aid of Greg MacCrone, we both came to the conclusion that the jury is still out on the question posed above. What we know for sure is that there is an underlying tension about getting involved in political issues. I hope this retrospective will provoke comments and viewpoints. If so, we will share them with you.

The Early Years

The opinions voiced by the local attorneys who first gathered to discuss forming a new organization show a strong desire for the MBA to be non-political. Records from the February 3, 1906 assemblage indicate that "spirited speeches were heard, whose authors emphatically declared that such an association should be strictly non-partisan and non-political."

However, when the group met just two weeks later, it adopted an object of the organization that ended with, "to recommend, advocate and work for the enactment of such laws as shall promote good government." The complete wording of the object is featured on the first page of this pullout.

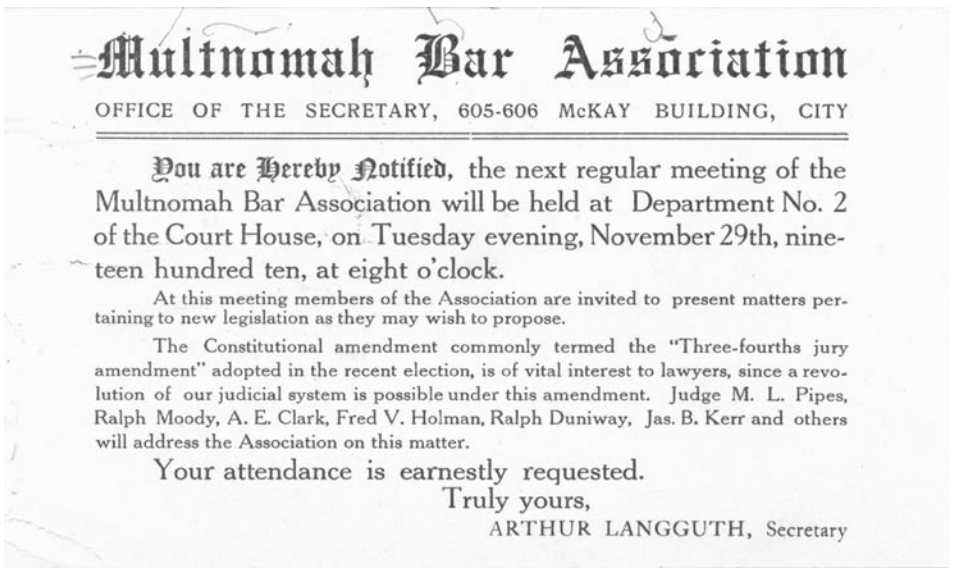
During MBA's first year, a legislative committee was formed and it must have been busy because it recommended several legislative bills to the organization by January 1907. Recommendations related to "amending limitations for damages upon death of a person," increasing the size of the Supreme Court, adding Justices of the Peace, one Constable and three Deputies "for Portland District" and "only lawyers may be Notaries Public in cities of 2000 or more." Other legislative actions taken at the meeting included, "3/4 of the jury in civil cases may find a verdict" and "a Judge shall not in any case grant a non-suit or a new trial, if there is any evidence tending to support the issue of the pleadings or if the evidence is such that any reasonable deduction there from may support the same."

Attendees at a 1908 meeting appointed a committee "to cooperate with the Ministerial Association, Municipal League and other bodies in the drafting of a suitable abortion law." No mention of the committee was recorded in subsequent meeting minutes.

1908 National Suffrage Convention. There is no mention of the convention in meeting minutes.

Over the years, there were many attempts to convince the state legislature of the importance of adding judges to the state Circuit court of Multnomah County. In 1929, minutes reveal the county apparently received funding for more judges. In response, a committee was appointed to select "suitable persons to be recommended to the Governor of the State to fill the newly created Circuit Court Judgeships."

In 1909, the group voted to oppose a law "designed to prevent lawyers from taking damage cases on contingent fees, and to prevent injured persons from making contingent fee contracts with attorneys." In 1910, considerable activity was devoted to studying "a method for selecting a non-political judiciary."



Multnomah Bar Association

OFFICE OF THE SECRETARY, 605-606 McKAY BUILDING, CITY

You are Hereby Notified, the next regular meeting of the Multnomah Bar Association will be held at Department No. 2 of the Court House, on Tuesday evening, November 29th, nineteen hundred ten, at eight o'clock.

At this meeting members of the Association are invited to present matters pertaining to new legislation as they may wish to propose.

The Constitutional amendment commonly termed the "Three-fourths jury amendment" adopted in the recent election, is of vital interest to lawyers, since a revolution of our judicial system is possible under this amendment. Judge M. L. Pipes, Ralph Moody, A. E. Clark, Fred V. Holman, Ralph Duniway, Jas. B. Kerr and others will address the Association on this matter.

Your attendance is earnestly requested.

Truly yours,

ARTHUR LANGGUTH, Secretary

A resolution adopted in 1913 described a judicial system in need of reorganization. Reasons cited were "as now constituted and as now conducted, [the system] involves unnecessary expense, labor, delay and uncertainty, and results too frequently in defeating the true ends of justice…that this Association will lend its aid and earnest co-operation to any movement for thorough, and systematic reformation of the Judicial System and practice…"

The December 1919 meeting had a long agenda with two endorsements, one for a non-political judiciary and the second "endorsed the restoration of capital punishment in all cases in which the accused is convicted of first-degree murder or treason with the proviso that the Jury should fix the penalty."

In January 1930, the MBA approved a motion to conduct "a secret and unidentifiable questionnaire to each attorney in Multnomah County" asking their opinions on prohibition, known as the Volstead Act.

A year later, the legislative committee was "instructed to draft proper legislative measures to prevent trust companies from engaging in the practice of law, with full power to represent such bills as seemed to them to the best interests of the legal profession." During 1933 and 34 there was concern about the unlawful practice of law, particularly by public notaries.

The Recent Years

We jump ahead to 1982 because we have no meeting minutes again until 1978.

September 1982, the board conducted a preference poll of members seeking their opinions on the establishment of a police review board. The Board passed a resolution in 1983 to establish interest-bearing lawyer trust account programs that would benefit "legal aid to the poor, improve the administration of justice, promote the study of law, research in the law, legal education and the diffusion of legal knowledge."

The board unanimously authorized a press release in 1986 indicating an opinion on an upcoming jail levy. The next year, a committee was appointed to promote new circuit court judgeship positions in Multnomah County.

On September 10, 1992 the board passed a motion opposing Measure 9, which would prohibit "public school instruction encouraging, promoting, sanctioning homosexual, bisexual behaviors."

Many members saw certain 2000 and 2002 ballot measures as threatening to politicize Oregon courts. The MBA opposed them and worked with a large coalition to defeat the measures. When asked about why he thought the MBA chose to weigh in on these particular measures, Bob Newell (MBA President 2002-2003) said, "Part of what formed my decision was that although they were technically political, they directly threatened the justice system and part of the MBA's central mission is protecting the judiciary and the justice system. It was not partisan, but advocacy for the system and we took steps to protect it from erosion. We have an obligation to maintain the integrity of the system and we don't do that by making judges political."

In 2001, the MBA board adopted a resolution calling for a moratorium on executions in Oregon until flaws in the state's death penalty system could be addressed and corrected. Judy Snyder (MBA President 1999-2000) remembered being influenced to vote in favor of the resolution by evidence gathered by the national Innocence Project and a presentation by Bob Newell that some death row criminals' representation was inadequate and that evidence of innocence had been suppressed. As a result of the combination of case studies, DNA evidence and public attention to the issue, she was convinced that the MBA should act. "The discussion always was, 'is this a public justice issue and does it impact the justice system as a whole as well as the impact on those who use the system?'" She suggested the following. "The MBA should always take the role of providing public information on how the justice system functions as a viable process for dispute resolution. The MBA should not get into advocacy on the issues of tort reform or caps or frivolous lawsuits, but rather act as an information resource for the public and the legislature."

Judy Snyder

From 2002 to 2004, MBA representative Robert Neuberger served on Multnomah County Chair Diane Linn's Blue Ribbon Courthouse Committee. He reported that, "This committee maintained work that had been going on for decades in an effort to upgrade or replace the existing Multnomah County Courthouse. We were able to convince the members of the Committee and the County Commission of the need to build a new courthouse and not simply attempt to refurbish the existing courthouse. Significant efforts were made with the MBA's active involvement, including appearing at a public hearing."

At its December 2004 meeting, the MBA Board adopted a resolution to support Ballot Measure 30 which would "help ensure adequate funding of the justice system."

After reading this short retrospective on MBA's political history, you may have formed an opinion on the question posed at the start. More importantly, I would like to hear what our members' guidance might be on future activity in this sometimes controversial abyss that occasionally opens and invites us in.

A League of Their Own

(continuation)

The Women's Association continued to grow. At the end of 1961 there were 534 paid members; membership fees were $2. As they became more popular and influential, the group was able to give money to the legal aid office for books and a typewriter, to contribute to furnishing the state bar, and to sponsor "law-oriented projects" as well as the growing scholarship fund. In 1965 they gave out four scholarships, some worth up to $500, according to the OSB *Bulletin*, January 1965. They also began providing volunteers for the Juvenile Home and led tours of the courthouse. Their success continued throughout the 1960s. Post-scholarships in 1967-68, the association had over $1,200 left over in their budget. They gave a total of 31 scholarships between 1959 and 1970. No woman ever received a scholarship.

The bar has no substantial record of the Women's Association's existence save the scrapbook, but they were obviously influential in the community and aided both law students and people struggling to get affordable legal access. As the 1970s dawned, the organization probably began to look antiquated in the face of feminism. Women could enter the law as lawyers, not wives and many probably saw the Women's Auxiliary as a kind of outdated cheerleading squad. In any event, there are no further records. But to dismiss them as outdated minimizes the good work these women did for the community and their efforts not only to bring together Portland community members, but to help students and the underprivileged gain access to education and legal aid.

Michael Dwyer of Dwyer & Miller is a Director of the MBA. His daughter, Caitlin Dwyer, is a senior at Pomona College.

Mark May 13 on your calendar for the MBA 100th anniversary party at the Portland Art Museum.