

Clifford Olsen, 1969-70

The Honorable Clifford Olsen, a retired Multnomah County Circuit Court Judge, was interviewed by Don Marmaduke in July 2005. Portions of that interview appear below.

Personal history

A native New York state resident, Cliff lived there until entering the U.S. Marine Corps in 1942. After graduating high school, he worked for Standard Oil of New Jersey as an office boy and then in a consumer research capacity. He attended NYU and Columbia University at night while working days at Standard. He graduated from Marine Corps flight school in Pensacola, Florida in September, 1943. After serving in Jacksonville (Florida), Cherry Point (North Carolina) and Miramar in San Diego, he was stationed in Corvallis, Oregon in May 1944. Cliff was flying the C-46, a twin-engine transport plane. In August of that year, his squadron was sent to the Marine air station in Hawaii. In July, 1945 he was sent home for additional training and was in New York City for VJ Day and celebrated the end of World War II in Times Square.

Law career

Cliff enrolled in Willamette University School of Law in August of 1946. After graduating in 1949, he moved with his family to John Day, where he became the district attorney for Grant County, a job that paid \$1,800 a year and allowed part-time private practice by the job holder. He served as DA for a little over three years and practiced as a solo.

In 1957, the family moved to Portland. Cliff went to work for Anderson Franklin Jones & Olsen, as it was named when he became a partner. Bernie Jolles later joined the firm. In time, two of the partners became presidents of the OSB (Franklin and Jolles), Cliff became president of the MBA and three became judges (Jones, Olsen and Deiz). Quite a record for a small firm.

In 1969, Governor McCall followed the unanimous recommendation of the MBA Judicial "Selection" Committee's first choice and appointed Cliff Olsen a circuit judge, where he served for over 19 years. He says the first 10 years were the most wonderful of his life. He was assigned one case at a time, and each case was interesting to try. But later, and especially in the last four or five years of his service, the whole nature of the practice changed. Sentencing guidelines were imposed on judges, which took away their discretion with regard to sentencing. Litigation became far too expensive to permit the trial of any but the most financially weighty cases, and most civil cases were therefore settled. One of the biggest changes Cliff has witnessed has been the evaporation of jury trials in civil cases, largely because of the foregoing reasons. The cases that were tried before him were less interesting, and they were mainly criminal cases as drug use became increasingly prevalent.

The "best" cases Cliff ever tried as a lawyer and as a judge were the first ones he had in each of those roles.

His first trial as a lawyer was as DA for Grant County. A woman's car had been run off the road by a truck driver. Cliff prosecuted the truck driver for reckless driving in Prairie City. The defendant was convicted. The woman liked the way he handled the case, so she hired him as a private lawyer to sue the truck driver and owner. John Kilkenny, one of the state's most prominent trial lawyers, defended. The jury returned a verdict for Cliff's client for \$18,000, the largest verdict in the history of Grant County at the time. Cliff next tried the husband's case against the same defendants and won a verdict of \$11,000. There were two insurance policies that covered the truck, and both insurers refused to pay the judgments. So Cliff sued the insurers in Portland. Randall Kester defended, again, one of the state's most highly regarded lawyers. On Kester's motion, Judge James Crawford granted the defendants a directed verdict. The next week, before Judge Martin Hawkins, Cliff and Kester both moved for directed verdicts in the husband's case. This time, Judge Hawkins granted Cliff's motion and awarded judgment to his client. Both of the cases were appealed, one by the plaintiff and one by the defendants. Thus, this one motor vehicle crash resulted in criminal prosecution in Grant County, two injury cases being tried in Canyon City Justice Court, two insurance policy coverage cases being tried in Multnomah County Circuit Court, and two appeals to the Oregon Supreme Court. These were the days when litigation was King!

Cliff's first trial as a judge was Marx v. Lenske. Attorney Reuben Lenske gave his accountant, Marx, a trust deed on three parcels of land. After his conviction of tax evasion in federal court was reversed by the ninth circuit, Lenske refused to pay what he owed Marx. Marx moved to foreclose on the property held as security. Jack Kennedy represented Marx. Lenske represented himself. There was no jury. In the federal prosecution, Lenske testified that he owed no taxes on income from 600 acres of timberland standing in his name, because the timberland was owned by

his brother-in-law. The brother-in-law was joined as a defendant in the civil case, and Paul Meyer was his attorney. In the civil case, Lenske testified that the timberland was his property, not his brother-in-law's. Cliff had his testimony transcribed and forwarded to the OSB, with the result that Lenske was suspended by the bar for having given perjured testimony. In the end, Lenske had to pay what he owed Marx.

Presidential recollections

Cliff was president of the MBA in 1969. He recalls two significant accomplishments that year. First, a successful drive to increase the MBA's membership to over 1,000, thereby enabling it to qualify in some way for an ABA program (the details of which he does not recall). Second, the courts had held that anyone charged with a crime that carried a potential jail sentence was entitled to an attorney, whether or not he could afford one. The MBA established a program whereby lawyers were designated (alphabetically) from Portland law firms to represent indigents in municipal court. Cliff took pride in the fact that there were no refusals to serve when called upon by any of the designated lawyers, although some of the senior lawyers sent juniors in their stead.