



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community. January 2005 Volume 51, Number 1



January Issue Dedicated to Pro Bono

By Sylvia Stevens, MBA President.

This issue of the *Multnomah Lawyer* is dedicated to pro bono. In addition to recognizing our members who provide pro bono services and offering information about pro bono

opportunities, this is our unabashed effort to encourage everyone to do their share.

The MBA and its membership have a long and exemplary tradition of supporting pro bono legal services. Our members were instrumental in creating the Campaign for Equal Justice and contribute significant amounts to its important work. Our members also donate countless hours of time. We do it because we know that citizens without access to the legal system are unable to participate in the economic liberty and justice our system of laws is designed to provide, and that the quality and character of our society is measured by the equality of legal rights afforded to our citizens, regardless of economic circumstance. Remember, "pro bono" means "for the public good."

Notwithstanding the outstanding efforts of so many MBA members through firm projects and individual efforts, there is much yet to be done. Organized legal service programs estimate that they serve only about 20% of the people who need, but cannot afford, legal representation. Until we can convince the public that ensuring access to justice is the obligation of society at large, the remaining 80% of unserved low-income clients will have to depend on the good will of lawyers.

Like most good things, the MBA's proud tradition in pro bono didn't happen by accident, nor will it continue without careful nurturing. As with professionalism, advancing the spirit of pro bono service depends on a "top-down" approach. The best way to instill the value of pro bono service is through bar and law firm leaders who not only articulate the value of doing good but who "walk the talk." Law firms that are committed to the principle of pro bono must say so in more than mere words; the encouragement and rewards for lawyers who give their time must be real and meaningful within the culture of the firm. At the same time, individual lawyers must take responsibility for figuring out how to make their pro bono activities fit into their own "work-life balance" of the competing demands of family and career.

Another point: the YLS has a strong pro bono effort and it is all too easy for those of us who have been around for a while to assume that the primary responsibility for pro bono rests with our colleagues who have the energy and enthusiasm of youth. Those younger lawyers, however, are often struggling to balance the demands of establishing their careers with the obligations of young families. Pro bono may more logically be the responsibility of those of us who have made our way professionally and whose nests are empty.

I am herewith offering my own pro bono challenge, knowing that it will require conscious choices, planning, sacrifice and, in some cases, overcoming performance anxiety. But if each of us commits to doing a little more in 2005 than we did in 2004, our individual baby steps will add up to a large leap in the direction of solving one of our most pressing societal needs.

Wells Fargo – a History of Giving

By Tom Unger, Public Relations Consultant.

The year was 1995 and the Oregon Law Foundation knew it had to act fast. Its major source of income is the Interest on Lawyers' Trust Accounts (IOLTA) program. Through this program, the foundation receives the interest paid on deposits of client funds that are pooled together in a lawyer's trust account. Otherwise, when the funds are too small or are going to be held for too short a time, and deposited into separate accounts, they do not net interest. The foundation uses the funds to support access to justice in Oregon by distributing funds to provide legal services to persons of lesser means, promote diversity in the legal profession and educate the public about the law.



As banks dropped interest rates on these accounts in the mid-90's, so did the foundation's income. In 1995 the foundation appealed to banks in Oregon to increase the rate. Wells Fargo bankers Mike Foglia and George Passadore in Portland responded first. They agreed to the increase, effective in 1996, even as rates continued dropping elsewhere.

"We felt this was a way Wells Fargo could give back to those in the community who are less fortunate," said Foglia, who recently retired as Wells Fargo's Portland metro Business Banking manager. "It certainly was not a profitable venture for the bank but we knew this was a good cause."

Cont. on p. 4

MBA CLE

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

January

Tuesday, January 4
YLS Young Litigators' Forum begins

Tuesday, January 25
Landlord-Tenant Law: Rights and Obligations for Landlords and Tenants
Craig Colby
Sharon Fleming-Barrett
Ref. Steve Todd

Thursday, January 27
Annual Family Law Update
Hon. Elizabeth Welch
Bill Schulte
Gary Zimmer

February

Tuesday, February 1
Human Resource Issues for the Small Firm
Christine Meadows
Jim Kreiss

Thursday, February 3
How to Prepare a Winning Appeal
Hon. Rick Haselton
Christine Meadows
Jim Kreiss

Thursday, February 17
Annual Presiding and Criminal Courts Update
Hon. Julie Frantz
Hon. Dale Koch

March

Wednesday, March 9
Land Use Landmines and Real Estate Sinkholes – Practical Advice for all Attorneys
Dina Alexander
Roger Alfred

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MBA 3rd Annual wintersmash



Valley Lanes
Saturday, February 26
6-9 p.m.

A Multnomah CourtCare fundraiser.

See page 9 for details.

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DEADLINE for copy: The 10th of the month*

DEADLINE for ads: The 12th of the month*

*or the preceding Friday, if on a weekend.

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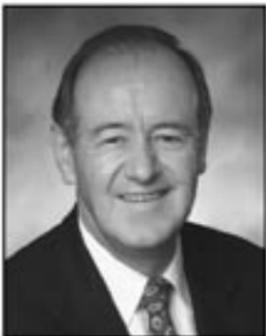
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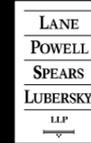
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NEW ON THE SHELF

By Jacque Jurkins, Multnomah County Law Librarian.

LAWYER DISQUALIFICATION: Conflict of interest and other bases by Richard E. Flamm. Published by Banks & Jordan Law Pub., 2003. (KF 306 F53)

BEST PRACTICES IN ATTORNEY PROFESSIONAL DEVELOPMENT: Heading off and handling wrong turns. Published by the ABA Career Resource Center, 2004. (KF 276.5 B47)

THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE: A lawyer's handbook, 2d ed. edited by Margaret B. Drew. Published by the ABA Commission on Domestic Violence, 2004. (KF 9322 I56)

CIVIL RIGHTS LAW AND PRACTICE, 2d ed. by Harold S. Lewis and Elizabeth J. Norman. Published by Thomas/West, 2004. (KF 4749 L49)

BROWN AT 50, THE UNFINISHED LEGACY: A collection of essays edited by Deborah L. Rhode and Charles J. Ogletree. Published by the ABA Division for Public Education, 2004. (KF 4155 B76)

THE LATEST IN PROBATE PRACTICE. Course materials from the September 17, 2004 Oregon Law Institute program in Portland. (*KF 765 O7O73L)

O'NEAL AND THOMPSON'S CLOSE CORPORATIONS AND LLCs: Law and practice, rev. 3d ed. by F. Hodge O'Neal and Robert B. Thompson. Published by Thomson/West, 2004. (KF 1466 O54)

LEGAL ASPECTS OF SELLING AND BUYING: Answers to questions of antitrust, franchising and current developments in distribution law, 3d ed. edited by Philip F. Zeidman. Published by Thomson/West, 2004. (KF 1649 L36)

ANALYSIS OF THE FAIR AND ACCURATE CREDIT TRANSACTION ACT OF 2003 by John E. Mellyn and Kenneth M. Lapine. Published by LexisNexis, 2004. (KF 1040 M46)

A BLACKLETTER STATEMENT OF FEDERAL ADMINISTRATIVE LAW. Published by the ABA Section of Administrative Law and Regulatory Practice, 2004. (KF 5402 B43)

ESTATE PLANNING FOR SAME-SEX COUPLES by Joan M. Burda. Published by the ABA General Solo & Small Firm Section, 2004. (KF 750 B85)

RIA'S COMPLETE ANALYSIS OF THE WORKING FAMILIES TAX RELIEF ACT OF 2004, with code sections as amended and committee reports. Published by Thomson/West-RIA, 2004. (Tax KF 6276.57 2004 A15)

ABA STANDARDS FOR CRIMINAL JUSTICE: Collateral sanctions and discretionary disqualification of convicted persons. Published by the ABA Criminal Justice Standards Committee, 2004. (KF 9225 A47)

RESTITUTION FOR CRIME VICTIMS: A national strategy. Published by the ABA. (KF 1328 R47)

CALENDAR

For a longer version of the MBA calendar, please visit www.mbabar.org.

January

3 Monday, MBA Professionalism Award nominations due

4 Tuesday, MBA Board meeting

Tuesday, YLS Young Litigators' Forum begins

See insert or register at www.mbabar.org.

10 Monday, Multnomah Lawyer deadline

11 Tuesday, YLS Board meeting

17 Monday, Martin Luther King Jr. Holiday
MBA closed.

19 Wednesday, MBA Open House
See details on p. 11.

20 Thursday, YLS Drop-In Social
See details on p. 10.

25 Tuesday, MBA CLE - Landlord-Tenant Law: Rights and Obligations for Landlords and Tenants
See insert or register at www.mbabar.org.

27 Thursday, MBA CLE - Annual Family Law Update
See insert or register at www.mbabar.org.

February

1 Tuesday, MBA Board meeting

Tuesday, MBA CLE - Human Resource Issues for the Small Firm
See insert or register at www.mbabar.org.

3 Thursday, MBA CLE - How to Prepare a Winning Appeal
See insert or register at www.mbabar.org.

8 Tuesday, YLS Board meeting

9 Wednesday, Professional Development Financial Planning Seminar - Personal Finances: Improving Your Fiscal Fitness
See insert for details.

10 Thursday, Multnomah Lawyer deadline

17 Thursday, MBA Bylaws Vote
See details on p. 16.

Thursday, YLS Open House for 3rd Year Law Students

Thursday, MBA CLE - Annual Presiding and Criminal Courts Update
See insert or register at www.mbabar.org.

21 Monday, President's Day
MBA closed.

26 Saturday, MBA WinterSmash
See details on p. 9.

March

1 Tuesday, MBA Board meeting

8 Tuesday, YLS Board meeting

9 Wednesday, MBA CLE - Land Use Landmines and Real Estate Sinkholes
See insert or register at www.mbabar.org.

10 Thursday, Pro Bono Fair
Details to be announced.

Thursday, Multnomah Lawyer deadline

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Ethics Focus

By Mark Fucile, Stoel Rives.



The New Rules: What's Inside the Box? Part 2 - Confidentiality

In this month's installment on the new Oregon Rules of Professional Conduct, we'll look at three facets of the new confidentiality rule, RPC 1.6: what falls within the scope of "confidential information," the exceptions and waivers.

Scope

Under the old rule, DR 4-101, two kinds of information fell within a lawyer's duty of confidentiality: "confidences," which covered communications encompassed by the attorney-client privilege; and "secrets," which covered other confidential information that would harm the client if disclosed. With the new rule, the scope shifts to the potentially broader concept of "information relating to the representation of a client." Although the new rule abandons the words "confidences" and "secrets," it defines "information relating to the representation of a client" in RPC 1.0(f) by using the old phrasing from DR 4-101(A): "Information relating to the representation of a client" denotes both information protected by the attorney-client privilege under applicable law, and other information gained in a current or former professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client." It remains to be seen whether the Supreme Court will see this as a distinction with a difference.

Exceptions

Under the old rule, there were four principal exceptions allowing a lawyer to reveal confidential information unilaterally: (1) where disclosure was required by law or court order; (2) where the client intended to commit a crime and the information revealed was necessary to prevent that crime; (3) where there was a dispute between the lawyer and the client over the lawyer's services or the lawyer otherwise needed to defend against claims involving the client's conduct; and (4) where the lawyer was selling a law practice. The new rule retains these four exceptions in RPC 1.6(b) and adds two more. A lawyer is now permitted to reveal confidential information to prevent reasonably certain

death or substantial bodily harm whether or not the result of the client's conduct would be a crime. A lawyer is also now permitted to reveal confidential information to secure legal advice about compliance with the RPCs. Given the already broad sweep of the old exceptions, it again remains to be seen whether the additional exceptions will be significant to the Supreme Court.

Waiver

A client can authorize a lawyer to disclose information falling within RPC 1.6 just as a client could under former DR 4-101. As with other aspects of consent under the new rules, waivers for RPC 1.6 are framed in terms of "informed consent." Under RPC 1.0(g), informed consent by a client "denotes the agreement ... to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct."

In sum, the new rule is more like the old one than it is different. Nonetheless, as noted, the nuances of the new rule and the incremental changes remain to be explored by the Supreme Court.

MBA Bylaws Changes Proposed

The MBA Board has been working on updating the organization's bylaws. The proposed modifications will update them, make them conform to current practice and improve their format for clarification purposes. The meeting to approve the proposed changes will occur prior to the Presiding and Criminal Courts Update seminar at the World Trade Center on February 17 at 2:45 p.m.

Copies of the organization's bylaws, both the "red-lined" and "clean" versions, are available for review at www.mbabar.org.

MBA Online Membership Directory

The MBA online membership directory has officially launched. It can be found at www.mbabar.org. Every member is listed unless they opted out. To change your listing or to opt

out of the directory, please write the MBA at kathy@mbabar.org or 620 SW 5th Ave. Ste. 1220, Portland OR 97204. For more details, see the article on page 6.

MBA Merit Awards

The MBA Board invites members to submit names for consideration for the 2005 MBA Merit Award. Past recipients have made significant contributions to the MBA, in the form of time, duties and participation. If you have someone in mind who should be considered for the award, please send his or her name and a brief explanation of why he or she should receive the award to Judy Edwards at MBA, 620 SW 5th Ave Ste 1220, Portland OR 97204 or to judy@mbabar.org.

ABA Minority Scholarships Available

The ABA Legal Opportunity Scholarship Fund encourages racial and ethnic minority

students to apply to law school and to provide financial assistance to them.

The scholarship fund will award \$5,000 of financial assistance annually to each scholarship recipient attending an ABA-accredited law school. An award made to an entering first-year student may be renewable for two additional years, resulting in financial assistance totaling \$15,000 during his or her time in law school. The application can be downloaded from www.abanet.org/fje. The completed application must be postmarked no later than March 1.

Recipients will be selected based on their qualifications for the scholarship and not on the law school the plan to attend. Therefore, law students applying to any and all ABA-accredited law schools may benefit from these scholarships.

Wells Fargo Giving

Cont. from p. 1

Wells Fargo has made a long-term commitment to the foundation and currently provides a 1.80 Annual Percentage Yield on lawyer trust accounts, a rate higher than most other banks, according to the Oregon Law Foundation.

"This year, with Wells Fargo's help, we expect to raise \$1 million from these accounts," said Judith Baker, acting

director of the foundation. "We are extremely grateful for the support Wells Fargo has given the foundation over these many years."

"We do this because we support the work and mission of the Oregon Law Foundation," said Kristin Lewis, head of Wells Fargo's Professional Banking Group in Oregon and southwest Washington. "Supporting the IOLTA program is one way we can demonstrate our commitment to the community. It's the right thing to do."

Wells Fargo donated more than \$1.3 million to schools and nonprofit groups in Oregon in 2003.

"We support the communities we do business in," said Michael Giavanti, the Wells Fargo Business Banking relationship manager who serves the MBA. "A primary focus of our giving is human services. We assist organizations whose work chiefly benefits low- and moderate-income individuals. The IOLTA program certainly fits that description."

The MBA maintains an affinity relationship with Wells Fargo, which sponsors many association events in return for the ability to communicate its services to MBA members.

Wells Fargo provides personal service coupled with high tech solutions to exceed the needs of financial services to law firms that are members of the MBA.

"We truly want to be a partner with Oregon law firms," said Lewis. "We have a package of financial products and services that we offer to bar members, including savings accounts and cash management services. We match each package with individual attorney's needs."

More information about these services can be obtained by calling Michael Giavanti at 503.886.1446 or Kristin Lewis at 503.886.1445.

Divorce? Teamwork.

Kathryn Villa-Smith and Julia M. Hagan have been named shareholders.

Sarah Brudi Creem and Alex P. Sutton have joined the firm as associate attorneys.

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Board Members Make a Difference

By Tom Matsuda, Executive Director of Legal Aid Services of Oregon.

While the MBA frequently recognizes the hard work of the many pro bono lawyers who generously give of their time and expertise to help low-income clients directly with cases that legal aid cannot take, there is another form of pro bono assistance for legal aid that is not widely known or acknowledged. The Boards of Directors for LASO and the OLC include several attorneys who have given countless hours of their time for many years to help guide the two organizations. This month we at legal aid would like to recognize and thank current attorney board members who are from the Portland metro area, including **Michael Mason, Lou Savage, Paul Kelly, Ed Goodman, Christine Mason, Lee Shannon, and Andrew Gardner**. We also would like to thank and bid farewell to former board member **Lisa LeSage**, who is joining the Board of Directors of the Oregon Law Foundation.

LASO and OLC are multi-site programs that together serve about 75% of the state. Our boards are comprised of people from many different parts of Oregon. They are faced with

interesting and challenging policy decisions because of the high demand for services and the scant resources to meet that demand. How should these precious resources be allocated around the state most effectively, so that every low income Oregonian has a relatively equal chance to access a legal aid office? How should the programs set priorities and provide legal services in the most cost-effective way to achieve justice for the low income communities of Oregon? These complex questions require a deep understanding of Oregon's low-income communities, poverty law issues, nonprofit management of multi-site programs, fundraising and federal funding restrictions. We are very fortunate to have a group of experienced and committed board members to lead us through these complex issues.

For the *Multnomah Lawyer*, we would like to pay tribute in particular to two members of the board executive committee who reside in Portland: Michael Mason and Lou Savage. Michael, a board member for 12 years and chair of LASO for nine years, is a former Native American

Program of Oregon Legal Services (NAPOLS) staff attorney who now primarily lobbies for and represents Indian tribes. Although he has a busy practice, he somehow manages to find the time to help us in numerous ways, especially with fundraising and public relations. Lou, a ten-year board member and chair of OLC for four years, is the former Executive Director of the Multnomah Legal Aid program who, after years in the private sector, now works on policy for the Oregon Department of Consumer and Business Services. His past experience managing a program allows Lou to provide the rest of the board with invaluable insight about effective legal services practice. Together, these two leaders exemplify the best of Oregon's attorneys. Every day, they turn their commitment to equal justice into meaningful action for the most vulnerable and disenfranchised members of our community. We are very grateful for their help.

Around the Bar

Cont. from p. 7



Harry M. Hanna

SUSSMAN SHANK et al
Harry M. Hanna has joined as Special Counsel of the firm. Hanna's practice will continue to focus on business law, real estate, taxation, estate and wealth preservation planning and probate.

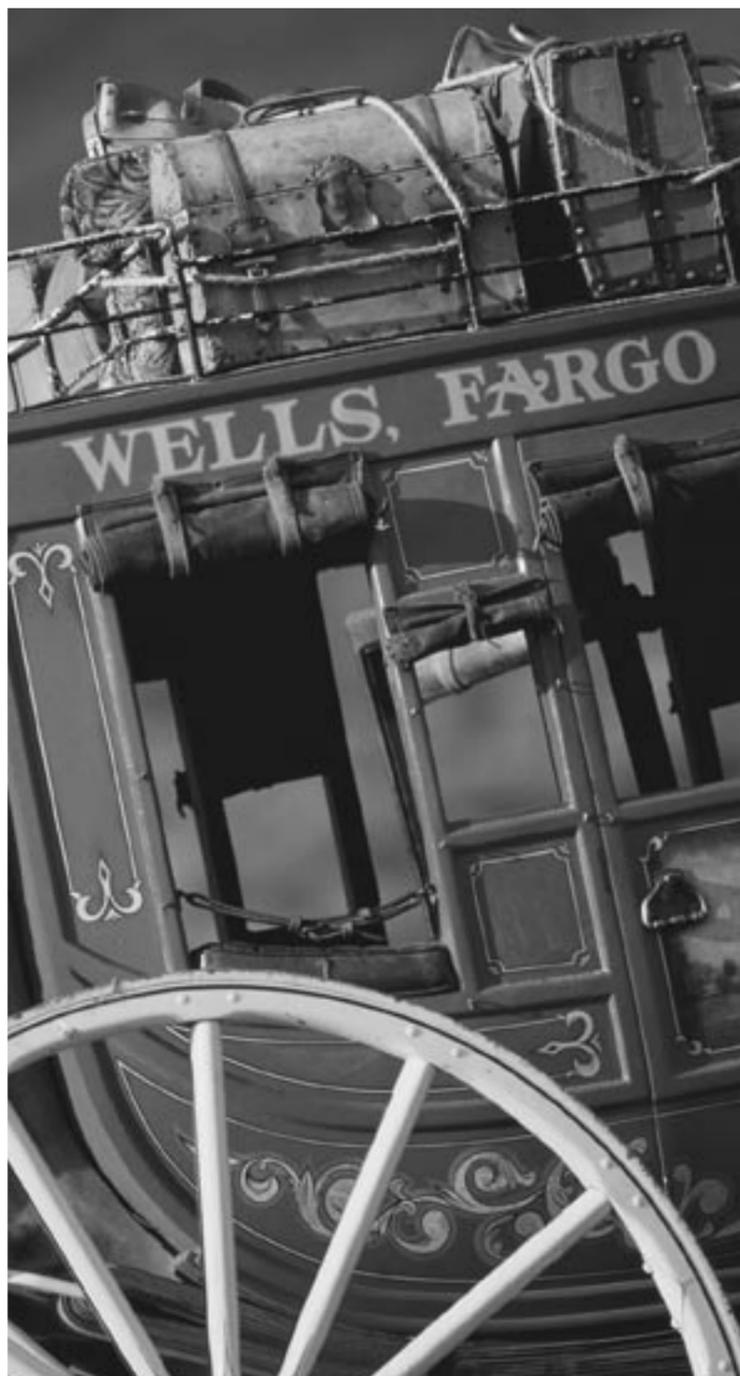
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Ellen Voss, an associate of the firm who specializes in general litigation with an emphasis on healthcare, personal injury, and product liability defense, has been named to two leadership

positions within the OSB. The OSB Board of Governors appointed Voss to serve as Secretary of the 2005 MCLE Committee, which has oversight and ruling authority over the organization's accredited educational programs. She has also been appointed to serve on the OSB Products Liability Committee for 2005.

ALEX M. DUARTE

Duarte, Corporate Counsel for Qwest Communications International, was recently appointed by Governor Kulongoski to serve as one of three public members on the Oregon Board of Maritime Pilots. Duarte, Qwest's attorney for its Oregon operations and its resident attorney in Portland, practices telecommunications, regulatory and administrative law. Prior to joining Qwest, Duarte practiced civil litigation in San Francisco for 14 years, and was a litigation partner in a national law firm. Duarte also serves on the board of the Hispanic Metropolitan Chamber, and currently serves as its Vice President.



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Pro Bono Opportunities in Multnomah County

Program Description 2005

Many of the programs listed below have training materials and mentors available to assist new volunteers. All programs listed, except those that are starred (**), are OSB-certified programs. Volunteers for OSB-certified programs are covered by PLF insurance and do not need independent coverage. Volunteers who donate over 40 hours of pro bono work in the calendar year with these programs are eligible for vouchers to be used towards OSB CLEs.

For a full list of pro bono opportunities in Multnomah County, please consult the MBA Web site, www.mbabar.org, for an electronic copy of Pro Bono Volunteer Opportunities: A Guide for Multnomah County Lawyers, published by the MBA YLS Pro Bono Committee.

CHILDREN'S REPRESENTATION PROJECT.**

Attorneys are appointed by the court to represent children who are involved in custody disputes in Multnomah County. Cases are placed through the Multnomah County Family Law Court and the project is coordinated by the Honorable Susan Svetkey and her staff. Attorneys with family law experience are especially needed for this project.

Contact: Brandy Jones, 503.988.3060, brandy.jones@ojd.state.or.us

COMMUNITY DEVELOPMENT LAW CENTER.

This project of the Campaign for Equal Justice and Legal Aid Services of Oregon assists nonprofit organizations involved in housing and other community development activities. The CDLC provides legal advice, legal representation,

group training and one-on-one technical assistance to its nonprofit clients. Examples of projects include, contested land use cases, land acquisitions, development of ground leases, property tax cases and nonprofit mergers. Call if you are interested in working with nonprofits to increase affordable housing for low-income Oregonians.

Contact: Leon Laptook, 503.471.1180, leon.laptook@lasoregon.org

LASO, MULTNOMAH COUNTY OFFICE.

Contact: Maya Crawford, 503.224.4086, maya.crawford@lasoregon.org

❖ **Bankruptcy Clinic.** The OSB Debtor-Creditor Section and LASO co-sponsor this clinic which provides information and representation to low-income individuals who are considering bankruptcy or who have already filed as pro se litigants. The project consists of a class, which addresses bankruptcy issues, and a clinic during which volunteer attorneys meet with clients and assess if ongoing representation is appropriate. The clinic is held on the 3rd Thursday of the month from 6:30-9:30 p.m. and alternates between a Beaverton and Portland location.

❖ **Domestic Violence Project.**

Pro bono attorneys represent victims of domestic violence in contested Family Abuse Prevention Act, Elderly and Disabled Abuse Prevention Act and Stalking Protective Order hearings. These cases tend to have short timelines, limited issues and require a court appearance. This project is an excellent volunteer opportunity for young lawyers, for lawyers seeking litigation experience and for lawyers who cannot commit to taking long-term cases. Training materials are available and LASO

coordinates a roundtable meeting every other month to share information with volunteers.

❖ **Pro Se Assistance Project.**

The Multnomah County Family Court and LASO co-sponsor this project in which volunteer attorneys provide pro bono consultations to individuals served by the Family Court Facilitation Program who require legal advice or document review. Attorneys meet with up to three clients each for a 45-minute appointment. Clinics are held from 2:30 to 5 p.m. every Tuesday and Thursday at the Multnomah County Courthouse. Attorneys are not expected to provide ongoing representation to clients and clients sign a retainer agreement detailing the limited scope of the attorney-client relationship.

❖ **Senior Law Project.**

Volunteer lawyers meet with clients who are over the age of 60 or who are married to someone over 60, at nine senior center locations in Multnomah County. Volunteer attorneys meet with up to six clients with civil legal issues at each clinic and provide continuing pro bono services for those clients who meet LASO's financial eligibility requirements. LASO sponsors a monthly Elder Law Discussion Group to provide information and support on issues of interest to the attorney volunteers.

❖ **Social Security Panel.**

Volunteer attorneys represent disabled clients in the Social Security administrative appeals process. Training materials are available and LASO coordinates a monthly roundtable meeting to share information with volunteers.

❖ **Stoel Rives Night Clinic.**

Stoel Rives, LLP sponsors an evening clinic every other Thursday from 5:30-7:30 p.m.

The attorneys provide advice and representation to low-income clients with civil legal issues. Attorneys from Stoel Rives staff this clinic and are scheduled through the firm's clinic coordinator.

MBA, YOUNG LAWYERS SECTION.

❖ **Attorneys for Youth.****

Volunteer attorneys are placed on an on-call list, which is made available to organizations serving homeless and near-homeless teens and teens in job training programs. Attorneys agree to respond quickly to questions about criminal, family, immigration, landlord/tenant and employment law, among other subjects, but are under no obligation to provide continuing representation to the client. Training materials and a resource list are provided.

Contact: Adam Arms, McKanna Bishop Joffe & Sullivan, 503.226.6111 ext. 216, aarms@mbjlaw.com

❖ **Nonprofit Project.****

Nonprofit corporations are screened and paired with volunteer attorneys who handle single-issue, non-litigation matters. Typical projects include reviewing bylaws, articles of incorporation, employment agreements and leases and providing advice on employment and intellectual property matters. This is a great volunteer opportunity for transactional attorneys.

Contact: Jennifer J. Roof, Miller Nash LLP, 503.205.2626, jennifer.roof@millernash.com, or Ashley Hohimer, Miller Nash LLP, 503.205.2312, ashley.hohimer@millernash.com

OREGON LAW CENTER, PORTLAND OFFICE

Contact: Lori Alton, 503.295.2760, lorialton@yahoo.com

❖ **Neighborhood Legal Clinic.**

Weekly clinics are conducted from 4:30-6:30 p.m. in Portland. Each clinic serves 3-4 clients. Common legal needs include collection, contract, landlord/tenant, unemployment, small estates and insurance defense issues. Currently there are two clinics, including one that is geared towards Spanish speaking clients.

SOAR'S ASYLUM PROGRAM.

SOAR, a program of Ecumenical Ministries of Oregon, is a refugee resettlement agency. SOAR operates a political asylum program with the assistance of volunteer attorneys. Asylum seekers from countries including Haiti, Somalia, Burma, Burundi, and Rwanda have been assisted. Training materials and mentor attorneys are available. Attorneys do not need to have experience with immigration law.

Contact: Joel Lieberman, 503.284.3002, jlieberman@emoregon.org

ST. ANDREW LEGAL CLINIC.

Volunteer attorneys conduct 30-minute intake interviews at a family law clinic that is held in Northeast Portland. The clinic is held every Wednesday from 6-9 p.m. and dinner is provided to the volunteers. All volunteers are supervised by a staff attorney, and volunteers do not need family law experience. Training materials are available.

Contact: Rosie Grove, 503.281.1500 ext. 20, rgrove@salcgroup.org

MBA Online Membership Directory

The MBA online membership directory has officially launched. Information includes name, address, phone and fax numbers, email address and practice areas. The online directory is a convenient way for anyone who uses the Web site - colleagues, clients, staff - to find an attorney. It is part of the recently re-designed MBA Web site, www.mbabar.org.

Every MBA member is included, unless they requested to opt out of the listing. If you would like to change your listing or opt out of the directory, write the MBA at kathy@mbabar.org or 620 SW 5th Ave. Ste. 1220, Portland OR 97204. If you have any questions about the online directory, please call Kathy Maloney at the MBA at 503.222.3275.

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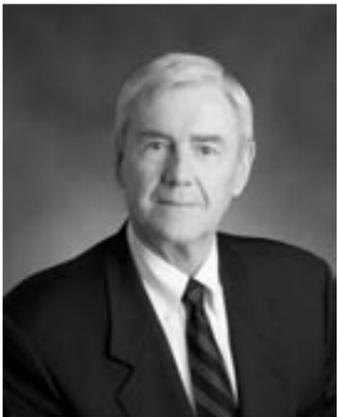
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Around the Bar



James C. Waggoner



Dan O'Leary



Robert D. Newell



Patrick J. Green



James F. Ambrose



D. Charles Mauritz



Richard M. Glick

DAVIS WRIGHT TREMAINE
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2005 – 2006 lists local DWT attorneys in the following practice areas: Bankruptcy and Creditor-Debtor Rights Law, **James C. Waggoner**; Business Litigation, **Robert D. Newell**; Employee Benefits Law, **James F. Ambrose**; Environmental Law, **Richard M. Glick**; Financial Institutions and Transaction Law, **William R. Miller**; Personal Injury Litigation, **Dan O'Leary**; and Trusts and Estates, **Patrick J. Green** and **D. Charles Mauritz**.



William R. Miller



Kjersten H. Turpen

DUNN CARNEY et al
Kjersten H. Turpen has joined the firm's litigation section, where she will focus on commercial litigation including employment litigation, contract disputes and insurance coverage.



Sarah B. Creem

GEVURTZ MENASHE et al
Sarah B. Creem has joined the firm as an associate attorney.



Pilar C. French



Benjamin G. Lenhart

LANE POWELL et al
Pilar C. French, a new partner at the firm, focuses her practice in the area of commercial litigation. She has litigation experience in state and federal courts at the trial and appellate levels involving a wide range of issues, including cases involving banking and lender liability, claims concerning fair credit reporting, unlawful trade practices, securities, and accounting malpractice.

Benjamin G. Lenhart, a new partner, is a corporate attorney experienced with mergers and acquisitions (representing both acquirers and targets), corporate finance and securities transactions and representing start-up and emerging growth companies.

MARGER JOHNSON & McCOLLOM

The firm was chosen as a finalist in the Service Provider Company category of the Cascade Pacific Council 2004 Technology Awards. With leading technology clients and a cadre of attorneys with education and career experience in technical fields, the firm provides intellectual property legal strategies that support client success.



Tim Haslach

SCHWABE WILLIAMSON & WYATT

Attorney **Román Hernández** is the first-ever recipient of the American Jewish Committee (AJC) Oregon Chapter's Emerging Leader Award, which recognizes outstanding emerging leaders in the legal profession.

Hernández specializes in employment law, business litigation and Indian law.



Bruce Rubin

MILLER NASH

Bruce Rubin, a partner at Miller Nash, has been appointed to a second year's term on the ABA Task Force on the Judiciary, which is part of the ABA Litigation Section.

Rubin represents clients in litigation involving shareholder, real estate, employment, ERISA, insurance, securities, and general commercial law. He has also successfully briefed and argued numerous appellate cases throughout his career.

PRESTON GATES & ELLIS

Mercy Corps, a \$150 million per year nonprofit headquartered in Portland, publicly thanked the firm for contributions above and beyond the call of duty. Mary Chaffin, Mercy Corps' legal counsel, presented a plaque of recognition to Preston Gates' Portland office for their assistance in a wide range of projects. The firm has assisted on everything from immigration issues to insurance claims, to setting up a micro financing structure in Kazakhstan.



Román Hernández

The Santa Clara University School of Law named Schwabe, Williamson & Wyatt shareholder **Tim Haslach** to its alumni board of directors, which provides guidance and directs resources to enhance the SCU School of Law and its alumni network and directs funds for student scholarships and loans.

Haslach chairs Schwabe's Technology Trade Association practice group and specializes in the formation and development of technology related trade associations. He serves as general counsel to some of the largest national and international technology specification bodies and as special counsel to Fortune 500 companies involved with these entities. He served as a past president of the SCU Alumni Association Oregon Chapter.

STOEL RIVES

New associates to the firm include **Kathleen Doll** and **Renee Starr**. Doll is an associate in the firm's Natural Resources Permitting and Development section. Starr is an associate in the firm's Labor & Employment section, working as an employment counselor and as a litigator.

Stoel Rives partner **Greg Mowe** has been inducted as a Fellow in the American College of Trial Lawyers, one of the premier legal associations for the US and Canada. Mowe concentrates his practice in real estate and business litigation. In recent years he has represented a number of Oregon businesses and governmental bodies in eminent domain and other litigation.

Cont. on p. 5

Tips from the Bench

By Judge John Wittmayer, Multnomah County Circuit Court.



Electronic recording in court (“the record”)

Due to budget cuts, in 2003 the court laid off all but one “full-time-equivalent” of our stenographic court reporters. In my opinion, this is very, very unfortunate. A human being preparing the record has many advantages over an electronic recording. But electronic recording is what we have, so you need to understand how to make it work for you.

The court is responsible for providing the means with which you can make a record, if you wish to pay the fee to have your matter “on the record.” The court uses the “For The Record” (FTR) software system to digitally record proceedings. This system is operated by the clerk in the courtroom, through the clerk’s computer. Most of the equipment is “four channel,” e.g. two microphones for counsel, one for the witness, and one for the judge.

Lawyers and witnesses often move around the courtroom. As you and your witnesses wander away from the microphones, you run the risk that the FTR system will not pick up the words spoken in the courtroom. If you want a record, it is your responsibility to work within these limitations and make sure that you and your witnesses are close enough to the microphone to make your record.

The fees for operating the record are as follows: For non-jury matters, e.g. motions or trials, \$39 for three hours or less, and \$91 for between three hours and a full day. For 12-person jury trials, the fee is \$228 per day. These fees are to be paid at the counter in room 210 in advance of the time your hearing or trial is set to begin. You need to show your receipt to the clerk. Tip: Be sure to pay the fee before the time your hearing is set to start. The lines at the cashier can be long.

Sometimes lawyers want to bring a live court reporter to court for a motion or a trial. ORS 8.340(7) permits you to do this with reasonable notice to the trial court. In my view, “reasonable notice” does not mean the court

reporter shows up shortly before the hearing is set to begin. Tip: Call the judge’s office a day or so before the hearing to advise you are planning to bring a reporter. Also, there is no statutory provision allowing the court to lower the daily trial fee if you bring your own court reporter

Granting extension to counsel to respond to motions (“the time crunch”)

Common courtesy to each other and professionalism often gives lawyers the opportunity to agree to extensions of time for opposing counsel to respond to motions in civil and family law litigation. This is an age-old tradition, and is to be encouraged.

However, when you ask for or grant an extension, you should think about what effect that will have on the time line for the motion. When you grant an extension, you should agree with opposing counsel about how much time you then will have to reply to the response, and you should be sure that all the submissions are filed and delivered to the judge enough in advance of the motion hearing to be helpful to the judge.

Are “all the experienced judges” retiring?

It may be a phenomenon of my own advancing age, but does it seem to you like there has been big turn-over in the past few years on the bench in Multnomah County, and that “all the experienced judges” are retiring? I confess I have often thought that over the years. But it is not true.

There are 38 judges on the Circuit Court in Multnomah County. The average time our current judges have been on the bench is 10 years. And, the average judge on this court became a judge after 17 years’ experience as a member of the OSB.

Looking back 100 years at the bench in Multnomah County, at any particular point in time, the average time on the bench has been seven and one-half years. Our current “crop” of judges has more experience on the bench than has existed in years past.



By Tom Cleary, Multnomah County District Attorney’s office and Court Liaison Committee.

Court Administrator update

Trial Court Administrator Doug Bray distributed copies of two Multnomah County Resolutions: 1) Declaring the Morrison Bridgehead Property Surplus and Authorizing Negotiations to sell the Property to the Portland Development Commission; and 2) Directing Funds From the Sale of the Hansen Building and Multnomah County Correctional Facility (MCCF) to Help Fund a Possible New East County Justice Facility.

Regarding the site of a new Downtown Justice Facility, it is contemplated that the sale of the Morrison bridgehead property will help fund the purchase of a new site for this facility. Two properties currently being considered are the Lotus block north of the current justice center and the Two Main Place, which is the level piece of property directly east of the current justice center.

Regarding the East County Justice Facility, there are eight sites under consideration, all within walking distance of the MAX line. It is contemplated that this site will be shared with the Multnomah County Sheriff (MCSO) as administrative offices, not a jail facility. Additionally, if the site selected is in the Rockwood area, the Gresham Police Department is interested in placing a precinct in the building. There needs to be some community outreach work with the Rockwood residents if that area is to be the site of the new facility.

Mr. Bray reported on the current budget forecast. There are adequate funds to cover expenses for the current biennium. However, the Governor’s recently released budget contains a 9.1% across-the-board budget reduction. The 9.1% decrease represents a 22 million dollar budget reduction to the current level of statewide court service in 2005-07. Since the main expense for the court system is personnel, this level of reduction, if implemented, will translate to the loss of 217 court staff statewide and it should be expected that 40-50 of those reductions would be in Multnomah County. Mr.

Bray indicates that this 9.1% is a starting point, and things could get better or worse depending on the following economic forecasts in February and May, 2005, and legislative decisions regarding a final apportionment of budget reductions across the Executive, Judicial and Legislative Branches.

OJIN and email address

As noted last month, the Oregon Judicial Information Network (OJIN) now contains a feature that permits court notices of scheduled events to be sent by email. That OJIN feature is not activated in Multnomah County at this time. If activated, this feature will allow one email address per attorney to be entered. Michael Merchant, Greg Silver and Tom Cleary will talk with members of the bar about this issue and report back to the committee after the first of the year.

Jury Verdict Information

Leslie Kay talked with Judge LaMar and reported that the arbitration/jury statistics have not been updated in two years. Ms. Kay reports that compiling these statistics will take a lot of work. The committee considered ways of compiling this data through the work of law students or volunteer lawyers. Ms. Kay will talk with Judge LaMar about coordinating an effort with volunteer lawyers to complete this task.

Additionally, Ms. Kay reported that there is some verdict information available on the OSB Web site. The committee discussed creating a link from the MBA Web site to the OSB Web site. Mr. Bray told the committee that there is no legal requirement that the verdict’s information be entered into a database such as OJIN. The committee discussed establishing a procedure whereby civil verdict information (the jury findings) would be entered into OJIN by court staff. The concern was raised that if the court staff is facing cutbacks in personnel, this would create an undue burden. In light of the fact that only 2% of civil filings go to trial it was decided that the volume would not be overwhelming and

that the idea could be pursued. The presiding judge would have to approve the implementation of such a procedure.

The committee also discussed the benefit of preparing an article that highlights a recent civil jury trial. Michael Dwyer agreed to follow up on this.

Judicial Feedback Survey

This work is in progress and there will be a report next month.

Practice and Procedure in Clackamas and Washington Counties

The committee’s charge is to communicate with both Clackamas and Washington counties. The committee discussed the most efficient ways to accomplish this charge in light of the fact there is not a comparable committee to this one in either Clackamas or Washington counties. Catherine Carroll agreed to explore this idea with contacts she has in Washington County; Susan Watts will do the same in Clackamas County and Michael Merchant will cover Vancouver.

Recruiting new members

Members are encouraged to submit names of potential new members to Chair Michael Dwyer. When thinking about possible new members, diversity in practice and firm size should be considered.

Reminders and Notices

Judy Edwards reminded us that the WinterSmash to benefit Multnomah CourtCare will be held February 26 at the Valley Lanes in Beaverton. The goal this year is to beat the net proceeds of \$5,100 raised last year. Ms. Edwards also reports that public outreach is going well. She has talked with *The Oregon Business Magazine*, the *Business Journal* as well as others who are interested in the level of budget cuts to the court system.

The committee briefly discussed the increase in fees for attorney badges allowing access through security at the courthouse. Mr. Bray pointed out that the presiding judge has authority over issues involving access to the courthouse and that there is a security committee.

A Real Trail Blazer

By Michael Dwyer, Dwyer & Miller and Court Liaison Committee Chair.

One of Oregon's female legal pioneers has retired. **Mary J. Deits**, Chief Judge of the Court of Appeals since 1997, stepped down on November 1. She had been a jurist on the Court of Appeals since 1986.

Judge Deits was only the second woman, after Justice Betty Roberts, to sit on Oregon's appellate court. The native Oregonian was one of just five women in her 1974 graduating class at Willamette Law School. And one of only three female lawyers in the 120-lawyer Attorney General's Office.

Graduating from law school in the early seventies, Judge Deits found that the private sector offered limited opportunities for a woman. The Attorney General's Office, however, turned out to be a wonderful experience that opened many doors. During much of her time in the office, Judge Deits worked for Dave Frohnmayer on a wide variety of cases, including many labor and appellate cases. In her last eight years in the office, she was passionately involved with natural resources law. Her exposure to appellate work in the

office sparked her first thoughts about serving on the appellate bench, though her young age kept her from taking her prospects too seriously.

In 1986 when she was only 36 years old, Judge Deits was appointed by Governor Atiyeh to fill the vacancy left by Judge Gillette's appointment to the Oregon Supreme Court. No sooner had she donned her jurist's robe than she had to run for reelection that same year. She was also reelected in 1992 and 1996.

She took to the job immediately, primarily because she had always been someone who loved learning. The diverse issues faced by the appellate court satisfied her desire to tackle new areas. Always modest and self-effacing, she is quick to cite the generosity of her colleagues on the bench for sharing their expertise, shortening her learning curve, and reducing her anxiety.

Like many judges, once on the bench Judge Deits missed advocating for clients and the give-and-take with practicing lawyers, but she found her new

career deeply satisfying. She feels that by far the most difficult cases she had to decide involved children – children accused of crimes and custody and termination cases.

When she became Chief Judge in 1997, administrative duties consumed at least half her workload, although she continued to sit on cases (though not on a panel) and write decisions. Her opinions were often composed at home on a laptop after hours. She found the biggest challenge to be the tension between trying to craft a well-reasoned, helpful decision and the need to produce a decision as quickly as possible.

The desire to improve the efficiency of the court's work was one of her administrative priorities. She notes that while the number of appeals has remained relatively steady, the number of civil cases has risen and, with the simpler ones settling, the cases which have reached the court of appeals are much more complex today. Oregon has the second highest number of case filings per judge and citizen in the country. Yet,

under Judge Deits' direction, the court's current backlog of cases is smaller than it was before budgets were cut.

Judge Deits is also proud of some of the programs she helped implement, including a program that allows appellate judges and trial judge to switch positions occasionally. As part of this program, Judge Deits presided over a custody case in Lincoln County. She has also worked to promote judges visiting high schools to teach the students about our judicial system.

So what will retirement bring? She is hardly done working. For starters, she will continue to serve as a jurist at least seven weeks each year. She hopes this will include trial work. But most days at least, she will not have to make the long commute to Salem from Washington County, where she lives with her husband. After jogging four to six miles each morning (she ran the 2000 Portland Marathon and says it won't be her last), we might find Judge Deits volunteering in the schools, where one of her daughters is a special education teacher, or



Judge Mary J. Deits

spending time supporting her other daughter, whose husband is stationed in Iraq. She also plans to work toward the preservation of natural resources (she is an avid bird watcher) and to play more golf and tennis, activities she believes long ago helped her make the adjustment into a male-dominated profession.

Judge Deits considers herself lucky and feels grateful for the mentors, women and men, who have provided her guidance and advice throughout her career. But it is we who are lucky – that Judge Deits knocked down the doors of our profession and brought intelligence, honesty and compassion to the Court of Appeals.

Multnomah CourtCare and the MBA WinterSmash 2005

By Gregory C. MacCrone, Attorney at Law, YLS Board Secretary and MBA Fun Committee.



The Third Annual WinterSmash is slated for Saturday, February 26, 2005, from 6 - 9 p.m. Like last year, the event will be held at family-friendly Valley Lanes in Beaverton.

The MBA has reserved all the lanes for its members and their friends, colleagues, and families for an evening of casual fun and food. Bumper lanes will be set up for children over three years old.

The event will serve to kick off fundraising efforts for Multnomah CourtCare. We thank Harrang Long Gary Rudnick P.C. for sponsoring the food and one drink per person.

CourtCare is a collaborative project between the Volunteers of America-Oregon (VOA), your MBA, the Oregon Judicial Department, and Multnomah County. It aims to provide a compassionate way to protect young children from unpleasant courtroom situations.

A converted Multnomah County Courthouse jury room serves as a fully-staffed and certified drop-in childcare center for children and infants. CourtCare offers games, toys, art supplies, and books for up to 100 children a month in a safe and nurturing place to play while parents or guardians tend to court business.

Since 2001 when it opened its doors, over 3,300 children aged six weeks to five years have visited the center.

Before the service went into operation, children had to accompany their parents – who often had no other childcare options – into court where they often became disruptive as they witnessed upsetting and emotional scenes, according to Kay Toran, VOA-Oregon President and CEO.

Nearly 95% of the adults using CourtCare are women; approximately 40% are domestic violence survivors. CourtCare staff regularly refer parents to other services, including childcare, domestic violence shelters and providers of food and clothing.

The center seeks to improve the operation of the courthouse by protecting children from potentially disagreeable court settings, by helping ease parents' access to the legal system and, perhaps most importantly, by ensuring that court setting allows for a fair legal process without undue distractions.

Ms. Toran points to the "generosity, spirit, hard work, and long history of public service, the

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Portland Metropolitan area legal community" has contributed to the program's efforts. She takes pride in the fact that CourtCare "has largely been supported through individual lawyers and over 40 area law firms who believe in its mission."

She adds, "The support of the legal community remains key to the survival of this program."

Enjoy the company of your colleagues, some good food, play a game you know you love and support a good cause. Tickets are

\$35 for adults and \$10 for kids 3-12 years old. Price includes food, drink, shoes, balls, lane time, and the satisfaction of knowing you're supporting CourtCare. Register via the insert in this issue of the *Multnomah Lawyer*.

Pro Bono for the Community Development Law Center

By Jane Wilcox, Grant writer, Campaign for Equal Justice.

The Community Development Law Center (CDLC), a project of LASO, opened in 2000 with the support of grants from Meyer Memorial Trust and contracts with the Department of Housing and Urban Development. The CDLC's mission is to provide low-cost legal services to nonprofit housing developers who build housing for low-income people, particularly smaller projects in rural communities that could not be built by the private market. Clients eligible for legal aid and the community groups that serve low-income clients rank affordable housing as one of their most critical needs. CDLC has been instrumental in the development and preservation of more than 1,000 apartments and homes for low-income residents, most of them in rural areas.

The contributions of private lawyers providing pro bono services in a variety of specialties are key to the law center's success. CDLC receives requests for help with real estate, land use, finance, corporation, tax, employment, construction and transactional law that can overwhelm its staff of four. Staff attorney Tad Everhart notes that they have been fortunate in being able to enlist help from lawyers in the community.

Eugene Grant, partner at Davis Wright Tremaine, helped with a Community Land Trust self-help project. Grant says, "What I enjoy the most about it is that the work is right down

my alley. I have done pro bono work in the past with the legal aid clinic out in Hillsboro, but as a transactional lawyer, I find doing this kind of work more enjoyable and I like the fact that I'm helping low-income people purchase rather than rent, so that they can build equity."

Karin Guenther, a partner at Tonkon Torp, assists CDLC's nonprofit clients with employment law. Guenther enjoys the work because, "One of the problems you have as an employment defense lawyer is that typical pro bono opportunities are more likely to involve representing employees. At the Community Development Law Center, I can assist nonprofit employers and work within my field of expertise."

This year the CDLC joined with Lewis & Clark Law School to create a clinic to teach

transactional law. Students receive training in the specialized subjects that affect housing nonprofits and, for eight hours per week, the students take on CDLC projects under staff supervision, providing another source of volunteer assistance. Everhart says, "We get a lot of help from the students. They are, in a couple of matters, doing the bulk of the work, subject to our review."

Chad Chambers, a Stoel Rives associate specializing in construction, recently assisted the Clackamas County Land Trust in matters related to the construction of 14 affordable houses. He says, "I think that as a member of the bar, you are in a privileged profession and should assist those who aren't as fortunate. The Oregon Bar is outspoken in its belief that lawyers have an obligation to perform pro bono work."



Community Development Law Center (from L to R): Charlie Harris, Karin Guenther, Tad Everhart, Darren Weirnick, Leon Laptok.

Congratulations and Welcome to New Admittees!

On November 18, the YLS Membership Committee with the aid and sponsorship of our good friends at LexisNexis, hosted the Annual New Admittee Welcome and Social at the Red Star Tavern and Roast House. The YLS Board members, committee chairs and staff gathered to honor the newest admittees to the Oregon Bar. In a brief address, MBA President Sylvia E. Stevens, YLS President W. Todd Cleek, and the YLS committee chairs all expressed their congratulations to the new admittees, addressed the importance of the YLS and encouraged them to all become involved.



New lawyer Nancy Patton, Katie Leitch of LexisNexis and new lawyer Jeni Lassell. Nancy and Jeni were the winners of the two \$100 cash drawings from LexisNexis.

The MBA YLS is holding a **Drop-in Social at Echo Restaurant**, located at 2225 NE Martin Luther King Blvd. (Phone: 503.460.3246) on **January 20 from 5:30 to 7:30 p.m.** Echo is owned by Craig Baker and TK Krawczuk, the spouses of Jennifer Baker and Dana Krawczuk (Lewis & Clark Law School alumni). Come enjoy this casual get-together and take advantage of the happy hour specials until 6:30 and the free off-street parking.

We'll see you there!



Law Student Pro Bono Work Supports Justice for Crime Victims

By Professor Douglas E. Beloof, Director, National Crime Victim Law Institute.

In an effort to promote justice for crime victims, Lewis & Clark law students donate countless pro bono hours to the National Crime Victim Law Institute (NCVLI). The students' work is critical to furthering the mission of NCVLI, a nonprofit research and educational organization that promotes balance and fairness in the justice system through victim-centered legal advocacy, education, and resource sharing.

The students collaborate with NCVLI attorneys on projects as varied as writing legal memoranda to drafting educational materials. The work done by law students is an invaluable resource for educating attorneys, victims, the public and the courts about victims' rights.

Wyatt Rolfe exemplifies the amazing dedication of Lewis & Clark law students to pro bono work. During the summer of 2004, Wyatt volunteered nearly 20 hours a week with NCVLI. He worked on a case involving a young sexual-assault victim whose perpetrator filed a civil suit against her for malicious prosecution. Wyatt's research and writing supported NCVLI's amicus curiae brief to a Colorado Trial Court. The victim has expressed gratitude, believing that the brief was instrumental in the favorable resolution of the case. Wyatt continues to do pro bono work with NCVLI, working on a variety of research and writing projects.

Nichey Zollman also exemplifies the high level of commitment law students have to pro bono work. During the summer of 2003, then first-year law student Nichey helped research the law and social science of victim impact statements in capital cases. Nichey's work was the foundation for a petition for certiorari to the US Supreme Court. While certiorari was ultimately denied, Nichey helped make it possible - for the very first time - for a crime victim to petition the Supreme Court based on his rights alone rather than on the tailcoat of a prosecutor.

The dedication of Lewis & Clark law students to pro bono work continues even after graduation. Courtney O'Connor, a 2004 Lewis & Clark graduate, is currently writing an educational sheet summarizing crime victims' general rights. The piece will be distributed nationwide to educate attorneys and victims. This task is critical to NCVLI's educational mission and could not be done without Courtney's assistance.

These stories are just a sampling of the phenomenal work law students are doing at NCVLI. A thank you note recently sent in by a crime victim says it best: "It is so wonderful to know that there are people who care enough about the rights of Americans to make a difference." The pro bono work that Lewis & Clark law students provide to NCVLI is making a difference to crime victims every day. Without these students, NCVLI's impact on the criminal justice system and its culture would be greatly diminished.

MBA second Annual open house

Welcome! You are invited to the second annual MBA Open House. Watch your mail for an invitation to attend this event at the MBA office at 620 SW 5th Ave Ste 1220 on Wednesday, January 19, from 4-6 p.m. Please plan to attend and visit with your colleagues and MBA staff.

Pro Bono Fair Offers Training and Opportunity

By Celia Howes, Garvey Schubert Barer and YLS Pro Bono committee.

Oregon lawyers have a tradition of supporting their local communities and donating their time and expertise to low-income individuals and nonprofit organizations. The OSB and the MBA appreciate the importance of carrying on this practice and of connecting willing lawyers to pro bono opportunities and to those in need. In the spirit of this tradition, and with the intention of increasing Oregon lawyers' services to the poor, the OSB NLD and the MBA YLS are hosting the first ever Pro Bono Fair.

Held in conjunction with the Annual OSB Pro Bono Awards Ceremony on March 10, the Pro Bono Fair will consist of two components. First, service providers will set up informational booths where you may inquire about various pro bono opportunities. Second, CLE courses will be offered to train you for future pro bono work in domestic violence and landlord/tenant cases.

If not already sold on the benefits of volunteering your legal services to the poor, consider that pro bono cases enhance lawyer's personal development, help foster relationships with future clients and make attorneys feel downright good. Further, the ABA considers the provision of legal services to the poor to be the obligation of all lawyers. ABA Ethical Consideration 2-25 states: "The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. Every lawyer, regardless of professional prominence or professional workload, should find time to participate in serving the disadvantaged. The rendition of free legal services to those unable to pay reasonable fees continues to be an obligation of each lawyer..."

The OSB likewise encourages pro bono work within its membership. The OSB bylaws include an aspirational standard that recommends that "each lawyer in Oregon should endeavor annually to perform 80 hours of pro bono services." The OSB and MBA's sponsorship of the upcoming Pro Bono Fair reaffirms the associations' efforts to recognize and support pro bono work.

Fair attendance and CLE participation will be free of charge. The domestic violence CLE will be led by a panel including Robin Selig (OLC), Maya Crawford (LASO), Jessica Amo (Portland Police Department Domestic Violence Reduction Unit), and Angela Schultz (Volunteers of America Family Center). Craig Colby, a private practitioner, will lead the Landlord/Tenant CLE.

Please save the date and encourage others to attend!

PRO BONO VOLUNTEERS

Thanks to the following lawyers, who recently donated their Pro Bono services via the Volunteer Lawyers Project, the Senior Law Project, Community Development Law Center, law firm clinics and the Oregon Law Center. To volunteer, please call Maya Crawford at 503.224.4086.

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Kristin Winnie Eaton	Sandy Stone
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Leah Johnson	Charlie Williamson
Jeff Jones	Terry Wright
Sam Justice	
Joshua Kadish	

Annual YLS Social and Toy Drive a Success

The MBA YLS held its annual holiday social and toy drive on December 8. The social was held at Alexander's at the Hilton, where participating young lawyers gathered to mingle as well as bring some holiday cheer to Portland area children. The YLS would like to thank everyone who attended for their participation. Likewise, the YLS would like to thank the law firms of Stoel Rives and Miller Nash for their generous support of the toy drive. Close to 100 toys were collected, and will be donated to the Toys for Tots Foundation. Thank you everyone for making this year's toy drive a success!



Attorneys Amy Fogel, Suzannah Newman and Maya Crawford at the December 8 YLS Drop-in Social.

Renewing Your Membership? Don't Forget VLP....

The MBA thanks the following members, who gave more than the \$20 "check off" suggested donation to the Volunteer Lawyers' Project (VLP).

Corbett Gordon
Allen Johnson
Charles Reynolds
Scott Sorensen-Jolink
Frank Wall
Michael Williams

Please remember to look for the check off box on your membership renewal form, and be as generous as possible when donating to VLP.

New Computer Technology Projects Help Pro Bono Attorneys

By Lori Alton, Pro Bono Program Manager, Oregon Law Center.

Two new computer technology projects are being fielded from legal aid offices in an effort to assist pro bono attorneys in Oregon. The Association of Oregon Legal Services Programs recently launched OregonAdvocates.org, a statewide Web site for Oregon pro bono attorneys and legal services advocates. Oregon Law Center is testing ProbonoOregon, a listserv designed to connect pro bono attorneys with pro bono cases throughout Oregon.

OregonAdvocates.org

OregonAdvocates.org is a Web site whose creation was funded by a Legal Services Corporation grant and was designed to assist pro bono attorneys throughout Oregon. A primary goal of the Web site is to expand access to justice to low-income populations of Oregon needing legal assistance by promoting pro bono representation through the sharing of information and resources between legal services advocates and the private bar.

Pro bono attorneys joining the Web site will have access to materials and resources that pertain to providing legal services to low income Oregonians. Users of the Web site will find sample documents such as pleadings, briefs and memoranda as well as advocate brochures, handouts and pro bono project materials. A section of the Web site also contains a calendar of meetings, trainings and other events of interest to those participating in pro bono programs and a roster of members. There are also links to research sites and the OSB Web site that identify pro bono programs in the state and the MBA's *Handbook of Pro Bono Opportunities in Multnomah County*.

Join now by going to www.oregonadvocates.org and following the directions. Aleta Doerr, the website project manager, notes "OregonAdvocates.org is always going to be a work in progress

so that it reflects the changing dynamics of pro bono assistance. We ask that users provide feedback so we can continually improve the site, making it as helpful as possible."

ProbonoOregon Listserv

ProbonoOregon is an email listserv project made possible through grant funding from the ABA Center for Pro Bono. The listserv will function as a case placement tool, connecting attorneys throughout the state with case opportunities referred from low-income legal service providers. It is designed to provide a system with minimal administrative burdens that will allow attorneys or law firm pro bono coordinators to review pro bono case listings from different offices in the state and select specific types of legal matters with which they would like to assist.

Legal service providers will post pro bono cases needing assistance, training opportunities for pro bono attorneys or appeals for other types of pro bono assistance once a week on Thursdays. Attorneys who sign up for the listserv will then receive an email announcement noting case availability that they can review as they wish. When they see an opportunity that they want to assist with, they may contact the listing agency directly to do conflict checks, discuss the case in depth and make a decision about assistance.

Modeled on an existing project in the Seattle/King County area that has been in operation for two years now, ProbonoOregon is taking this countywide system and expanding it into a statewide system. The Seattle project was spearheaded by the Seattle Area Pro Bono Coordinators in an effort to increase pro bono opportunities for their attorneys and is now placing about 40% of the listed cases on a regular basis. This listserv has 14 nonprofit legal organizations listing pro bono opportunities with 30 firms,

three corporate law departments and several individual attorneys. The moderator for the Seattle listserv is Julie Orr, full time Pro Bono Coordinator for Davis Wright Tremaine. Julie has been extremely helpful in sharing information and helping the ProbonoOregon project staff with the listserv design.

ProbonoOregon is currently in its test phase. During this phase, selected legal aid offices from around the state with pro bono programs are commenting on the project and listing test case opportunities, which are sent to pro bono coordinators in the participating law firms of Davis Wright Tremaine, Miller Nash and Tonkon Torp. The pro bono programs and law firm coordinators are exchanging feedback with the project staff to assist in the creation of standardized case placement data, project announcements and instructions, a data tracking process and a marketing plan for the project.

The project manager, Lori Alton of OLC, notes that the test phase will be completed in mid-December. The project is planning for a statewide system "launch" in early 2005, utilizing the listserv component of OregonAdvocates.org. Hosting the listserv at OregonAdvocates.org will allow pro bono attorneys in the state to go to one Web site for all their pro bono case needs. Watch for information on how to join ProbonoOregon!

Senior Law Project Helps Senior Keep Her Home

By Diana Stuart, Goldberg Mechanic et al and MBA Board member.

At 71, after retiring from a career as a CNA, Martha Johnston was facing losing her home. The threatening letters from her mortgage company constantly told her that she was delinquent in paying her taxes and insurance and that foreclosure was approaching. Then the mortgage company began garnishing a portion of her only income – her Social Security benefits. Ms. Johnston was forced to choose. Did she pay for groceries or pay her electric bill to have light in her home?

But the mortgage company was wrong. Ms. Johnston was already paying for her own insurance policy and as a senior citizen her property taxes were deferred. Despite repeated phone calls and letters, the mortgage company continued to garnish money and send threatening letters. Finally, in April of 2004, Ms. Johnston called the LASO Senior Law Project to ask for help.

Kathryn Eaton saw the email sent out by LASO asking for an attorney to meet with Ms. Johnston in her home due to the client's poor health. The decision to take the case was an easy one for Eaton. At the age of 46, after a career in mortgage banking, she decided to become a lawyer. Eaton started work at the Law Offices of Susan Ford Burns in the fall of 2003, where she focuses on elder law. "I started doing pro bono work with the Senior Law Project right away. It is a real privilege to be a lawyer and we need to share that privilege with others."

Ms. Johnston was Eaton's first client through the Senior Law

Project. Despite Ms. Johnston's efforts to alert her mortgage company to its misconduct and seek relief, she was being ignored. "It took an attorney to step in and make this company pay attention to what they were doing," reflects Eaton. Through her efforts, Ms. Johnston was reimbursed several thousand dollars.

"I would be living on the street now," says Ms. Johnston when asked what would have happened if no volunteer attorney had been available to help her. "It is very important for lawyers to help when people are being ripped off by companies who just won't listen."

Kathryn Eaton continues to help Ms. Johnston, and has visited her home five or six times. Ms. Johnston was diagnosed with cancer several months ago and became concerned about having no will. Eaton has eased her mind by helping her to put her legal affairs in order. "This is the best thing I do," Eaton reflects. "I get more satisfaction out of helping people like Ms. Johnston with such critical needs than in anything else that I do." Ms. Johnston just says, "I don't know what I would have done without Kathryn."

Ms. Johnston won't have to find out soon. Both were interviewed during a visit by Eaton to Ms. Johnston's home, where she was investigating why Ms. Johnston is again receiving demand letters from her mortgage holder. As long as Kathryn Eaton is around, Ms. Johnston will continue to have an advocate.

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Perkins Coie, a Firm Dedicated to Pro Bono

By Kathleen J. Hansa, Attorney at Law.

Perkins Coie has made a conscious effort to encourage pro bono work within the firm, and it shows. The firm has institutionalized several practices to support the pro bono efforts of its attorneys. Ultimately, this support is evident in the many ways Perkins Coie attorneys get involved in providing access to justice.

One way Perkins Coie prioritizes pro bono work is through billing structure. The first 50 hours of pro bono work by an associate in a calendar year will be credited towards the associate's target minimum legal hours. In addition, associates who meet the target minimum legal hours in their office with billable and firm/staff representation will receive legal time credit for up to another 50 hours of pro bono work (for a total of 100 hours of credit). The Associate Evaluation Committee, consulting with the Pro Bono Coordinator, has the discretion to give an associate additional credit for pro bono hours in excess of 100 hours. The firm also has staff dedicated to pro bono issues. The Seattle office has a full-time pro bono coordinator and the Portland office has a subcommittee devoted to encouraging pro bono work.

Furthermore, Perkins has developed relationships with legal services offices to provide its attorneys with pro bono work opportunities. These relationships

include collaboration with LASO and the OLC, where Perkins' attorneys have worked on such projects as the Domestic Violence Project and the Neighborhood Legal Clinic. Perkins Coie attorneys also work with Mercy Corps to provide pro bono legal advice and consultation on projects such as international contracts. Attorneys **Sarah Crooks**, George Fogg, Allan Abravanel and Michael Gadd are just a few of the Perkins' lawyers involved in these projects.

Another project that Perkins' attorneys work with is the Ninth Circuit Court of Appeals Pro Bono Program. On this project, attorneys are involved in briefing immigration appeals. In exchange for this advocacy, the Ninth Circuit guarantees to hear oral argument on the cases briefed by pro bono attorneys. Perkins' attorney **Chris Garrett** has worked on an appeal in the Ninth Circuit through this program. Similarly, Perkins' attorney **Libby Schwartz** is working on an immigration appeal in the Fifth Circuit through Catholic Legal Immigration Network, Inc.

Erick Haynie is another Perkins' attorney who exemplifies the firm's commitment to pro bono work. He took the initiative to seek out low-income clients in his hometown of Hood River through Legal Aid's

Oregon City office. Due to the number of cases he has taken and the quality of his work, Erick recently received the Community Partnership Award from Legal Aid.

Other Perkins' attorneys have provided critical assistance on a death penalty case in Alabama through the Equal Justice Initiative of Alabama. Attorney **Bethany Graham** explained that the firm chose to work in Alabama because the state has one of the neediest capital defense systems in the country. Perkins' attorneys Bethany Graham, Rob Aldisert, George Fogg, and **Jeff Dobbins**, along with paralegal Karen Huang, have logged more than 1,000 hours in the past eight months working on a death penalty case through this project.

Pro bono efforts receive strong support from **Steve Hedberg**, Perkins' managing partner, who has made it a priority to increase the visibility of pro bono opportunities in Portland. Perkins Coie is a wonderful example of how a firm can commit to making a difference in the lives of others by its support of pro bono activities.

The Pro Se Assistance Project Turns One Year Old

By Maya Crawford, Legal Aid Services of Oregon.

The Pro Se Assistance Project (PROSAP), a pro bono clinic co-sponsored by the Multnomah County Family Court and LASO, celebrated its first anniversary last October. PROSAP volunteers provide discrete legal advice and offer document review to low-income individuals representing themselves in family law matters. PROSAP clinics take place twice a week at the Multnomah County Courthouse, where they are helping to fill the gap in access to legal services.

The success of the project's first year could not have been achieved without the tremendous support it received from the family law bar. Since October 2003, more than 50 attorneys have staffed a PROSAP clinic, and more than 140 clients have been served. Clients report that the opportunity to meet with an attorney is an invaluable resource that enables them to navigate the often-confusing legal system. Likewise, volunteer attorneys describe PROSAP as a worthwhile endeavor.

Stephanie Barrie, a family law attorney who has volunteered to staff several PROSAP clinics, exemplifies the pro bono ethic typical of PROSAP volunteers. Barrie, a partner in the firm of Barrie & Jaquiss, has always done pro bono work. She says that even though her firm is small, it prioritizes the provision

of free legal services to low-income people. "Attorneys are problem solvers, and it is our responsibility to help clients get through the system," Barrie says.

Barrie takes a broad view of the work she does through PROSAP. It is widely recognized that the family court is inundated with pro se litigants, and Barrie sees volunteering at PROSAP clinics as a way to help the entire system function more efficiently. "By assisting unrepresented people I am also helping my paying clients," she says. "The fewer administrative and judicial resources that pro se litigants use, the more resources there are available for my clients."

When asked if she enjoyed volunteering for PROSAP, Barrie responded in the affirmative, stating that the experience is both simple and satisfying. She compared staffing PROSAP clinics to working in an emergency room, where "the work done is triaging and meeting clients' most immediate legal needs."

Stephanie Barrie and all of the family law attorneys volunteering for PROSAP are doing just that. They are stepping up to the challenge of facilitating access to justice for low-income Oregonians.

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MBA Bylaws — Proposed Changes

The MBA Board has been updating the organization's bylaws. The purpose of the proposed modifications is to update the bylaws, make them conform to current practice and to clarify confusing sections by reorganizing the layout.

Copies of the organization's bylaws, both the "red-lined" and "clean" versions, are available for review at www.mbabar.org.

After reviewing the changes, please send any comments to Judy Edwards at judy@mbabar.org.

The meeting to approve the proposed changes will occur prior to the **Presiding and Criminal Courts Update seminar at the World Trade Center on February 17 at 2:45 p.m.**

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