

A Century of Service



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

100TH ANNIVERSARY

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community.

1906 - 2006

January 2006 Volume 52, Number 1



Pro Bono - the Need is So Much Greater than the Supply of Volunteers

By Kelly Hagan, MBA President and Schwabe Williamson & Wyatt.

Mr. A. R. Gephart, general secretary of the Public Welfare Bureau, addressed the meeting relative to the work of that bureau. He stated that much work is done for the poor and needy and that many cases came before them requiring the services of an attorney for which they were unable to pay. He requested the Bar Association cooperate with the Bureau in furthering this work, by appointing one or more attorneys who would assist without compensation. Upon motion by Mr. George Shepherd, seconded by Judge Pipes the president was authorized to appoint a committee of three. The president appointed the following until relieved by other appointments: Mr. George Shepherd, Mr. Josh Owen and Mr. Clarence Gilbert. -Feb. 26, 1918

Messrs. Shepherd, Owen, and Gilbert are the MBA's first recorded pro bono volunteers. While I am sure that they are not the first local lawyers to serve the needy without compensation, they occupy a place of honor on the rolls of the association.

The promotion of pro bono representation is a long-standing tradition of the association and an important aspiration for the legal profession. The January *Multnomah Lawyer* is traditionally dedicated to pro bono efforts, and we welcome the opportunity to highlight this important professional activity.

Let me set the stage by reference to the legal profession's response to Hurricane Katrina and its tragic aftermath. State and local bar associations from all over the U.S. volunteered time and money in impressive quantities. The MBA arranged free legal services for Katrina refugees relocated to the Northwest. Firms throughout the metropolitan legal community organized fundraising and other charitable giving to the families displaced and dispossessed by Katrina's fury.

But as generous as this response was and is, I am even more impressed by the daily acts of charity by our members engaged locally in pro bono work. The horror of a cataclysmic event galvanizes the charitable impulse in a way smaller and less public tragedies do not. Yet the personal crises of those without the means to afford important legal services is no less deserving of our help and that help is no less praiseworthy for its smaller scale. Those members who give of their time and talents in pro bono representation heap credit on us all.

In this issue of the *Multnomah Lawyer*, we hope to encourage you to take on a client of modest means, a nonprofit organization in need of assistance, or to support those partners, associates and spouses who are engaged in this good work. Inside this issue you will read of numerous outlets for your pro bono energies. There is much

being done by many. But the need is so much greater than the supply of volunteers; please do not assume that these colleagues need no help. They do, and so do many in the community still without access to our justice system, or who do good works themselves without important legal protection and assistance.

I am often brought into conversations about the generational divide between attorneys on the support of pro bono and the issue of "balance" between personal and professional demands. Permit me to put on an old album (a plastic platter impressed with minute grooves that produce sound) and select a song about teaching one's children well.

For those of you in positions of managerial responsibility, please think hard about how your firm rewards, or discourages, pro bono representation. It is not enough to say that pro bono is a professional obligation that we all undertake, and that crediting these nonbillable activities against hourly goals is impractical. If it is impractical, then how else can we support and encourage pro bono representation, particularly in our younger lawyers? How do you recognize these efforts, if at all? How do you factor into evaluations the professional development that comes with "first chairing" even a small pro bono dispute? Firms of sufficient size routinely compromise economic efficiencies to accommodate childrearing or other family commitments. Is it possible to adapt these methods to substantial pro bono activities?

Younger attorneys need to realize that professional obligations are first and foremost individual obligations. The burdens, and rewards, of pro bono work are primarily personal, and there is no escaping personal sacrifice to do this work. Indeed, the meaning of pro bono representation derives in part from that sacrifice. If hourly goals are unlikely to change, and there are not too many 'attaboys' or 'attagirls' from partners for pro bono work, then ask yourself why you are interested in pro bono to begin with. I think you will find that the answer has little to do with compensation or brownie points at the firm. If pro bono work adds to the time pressures of an already time-consuming career, then welcome to our world. It has always been so. The sole but important comfort I can offer is that the experience is nearly always worth the sacrifice.

Please join me in congratulating and thanking those MBA members who have made our professional aspirations real to thousands of our fellow Oregonians every year. They are an example to all of us.

MBA CLE

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

January

Fridays, January 13
YLS Young Litigators Forum begins (through March 10)

Tuesday, January 24
Low-Rent, High-Tech: Effective Use of Technology in the Courtroom
David Markowitz
Troy Moody

Wednesday, January 25
Measure 37 - Where are we Now?
Carrie Richter
Rick Sanai

February

Wednesday, February 1
Separate Property Litigation after Kunze: "What's Mine is MINE!"
Bill Howe
Don Tarlow

Tuesday, February 28
Off-Site Escapades: Employment Issues Relating to Out-of-the-Workplace Behavior
Courtney Angeli
Scott Hunt

March

Wednesday, March 1
Annual Family Law Update
Hon. Elizabeth Welch
Gary Zimmer
Bill Schulte

Wednesday, March 8
Annual Presiding Court Update
Hon. Dale Koch

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MULTNOMAH BAR ASSOCIATION
620 SW 5TH AVE SUITE 1220
PORTLAND, OREGON 97204
503.222.3275
FAX 503.243.1881
WWW.MBABAR.ORG

MBA open house

Please join us for the Annual Multnomah Bar Association Open House on Thursday, January 26 from 4 to 6 p.m. Stop by and catch up with friends and colleagues.

Refreshments will be served.

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Advertising is accepted; advertisers(ments) are not necessarily endorsed by the MBA. The editor reserves the right to reject any advertisement.

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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Pro Bono Roll Call

Help Us Spread the News about the **Great Things Lawyers Do** for their Community

Participate in the 2005 Pro Bono Roll Call and the Pro Bono Challenge by reporting your hours at www.osbar.org/probono



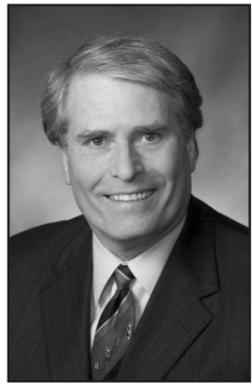
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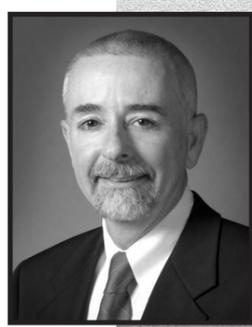
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NEW ON THE SHELF

By Jacque Jurkins, Multnomah County Law Librarian.

CONSTITUTIONAL LAW IN A NUTSHELL, 6th ed. by Jerome A Barron and C. Thomas Dienes. Published by Thomson/West, 2005. (KF 4550 B35 2005)

ATTORNEY FEE AWARDS, 3rd ed. by Alba Conte. Published by Thomson/West, 2004. (KF 316 C65 2004)

RECOVERY FOR DAMAGES FOR LOST PROFITS, 6th ed. by Robert L. Dunn. Published by LawPress, 2005, (KF 446 D85 2005)

COVENANTS NOT TO COMPETE, 3rd ed. by Mark R. Filipp. Published by Aspen, 2005. (KF 1652 F55)

VALUATION OF DIVORCE ASSETS, rev. ed. by Barth H. Goldberg. Published by Thomson/West, 2005. (KF 524 G63 2005)

LEGAL RIGHTS OF CHILDREN, rev. 2d ed. by Donald T. Kramer. Published by Thomson/West, 2005. (KF 479 L44 2005)

ENGINEERING EVIDENCE, 4th ed. by Stephen V. O'Neal and Aaron R. Gruber. Published by Thomson/West, 2005. (KF 8968.25 O54)

DOCUMENT EXAMINER TEXTBOOK by Jess E. Dines. Published by Pantex International Ltd., 1998. (KF 8947 D55)

PSYCHIATRIC AND PSYCHOLOGICAL EVIDENCE, 3d ed. by Daniel W. Shuman. Published by Thomson/West, 2005. (KF 8965 S57 2005)

OREGON WORKERS' COMPENSATION LAW 2005:

Logic, knowledge, and ethics. Course materials from the September 23, 2005, Oregon Law Institute program, Portland. (KF 3615 O7O73o 2005)

TRADE SECRETS: A practitioner's guide, 2d ed. by Henry H. Perritt. Published by the Practising Law Institute, 2005. (KF 3197 P47 2005)

OREGON LEGAL RESEARCH by Suzanne E. Rowe. Published by Carolina Academic Press, 2003. (KF 240 O7 R69)

TELECOM ANTITRUST HANDBOOK. Published by the ABA Section of Antitrust Law, 2005. (KF 2765 T45)

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).

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

Wendell Belknap
Alex Duarte
David Ellis
Hon. James Ellis
Jill Huebschman
Charles Reynolds
Karen Saul
Steven Schoenfeld
Diana Stuart
Donald Winfree

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Bill Schulte is now focusing his practice on mediation, reference judging and conducting settlement conferences in family law matters. Bill has been an active litigator since 1966. He has been recognized as one of the "Best Lawyers in America" since the first edition in 1983. Bill is a member of the American Academy of Matrimonial Lawyers and a frequent contributor to legal education programs.

For scheduling or references:
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CALENDAR

For a complete MBA calendar, please visit www.mbabar.org.

January

2 Monday, Holiday – MBA closed

3 Tuesday, MBA Board meeting

10 Tuesday, Multnomah Lawyer deadline

Tuesday, YLS Board meeting

13 Friday, YLS Young Litigators Forum (through March 10)
See insert or register at www.mbabar.org.

16 Monday, Martin Luther King Jr. Holiday – MBA closed

18 YLS Drop-in Social with Jim Carter of Nike
See details on p.10.

19 YLS Peer to Peer Orientation
See details on p. 10.

24 Tuesday, MBA CLE – Technology in Court
See insert or register at www.mbabar.org.

25 Wednesday, Multnomah Bar Foundation Board meeting

Wednesday, MBA CLE Measure 37: Where are we Now?
See insert or register at www.mbabar.org.

Wednesday, MBA East County Social
See p. 4 for details.

Wednesday, OLI Board meeting
Visit www.lclark.edu/org/oli for details.

26 Thursday, MBA Open House
See details on p. 1.

February

1 Wednesday, MBA CLE Separately Acquired Property
See insert or register at www.mbabar.org.

7 Tuesday, MBA Board meeting

10 Friday, March Multnomah Lawyer deadline

14 YLS Board meeting

20 Monday, Presidents Day – MBA closed

22 Wednesday, Multnomah Bar Foundation Board meeting

25 Saturday, MBA 4th Annual WinterSmash at 20th Century Lanes
See details on p. 11.

28 Tuesday, MBA CLE – Off-Site Escapades: Employment Law
See insert or register at www.mbabar.org.

March

1 Wednesday, MBA CLE Annual Family Law Update
See insert or register at www.mbabar.org.

7 Tuesday, MBA Board meeting

8 Wednesday, MBA CLE Annual Presiding Court Update
See insert or register at www.mbabar.org.

10 Friday, April Multnomah Lawyer deadline

11 ACLU 50th Anniversary Party
Details TBA

14 Tuesday, YLS Board meeting

17 OWLS Roberts Deiz Award Dinner
at the Governor Hotel
Visit www.oregonwomenlawyers.com for details.

22 Wednesday, Multnomah Bar Foundation Board meeting

30 Thursday, YLS CLE series begins

April

4 Tuesday, MBA Board meeting

5 Wednesday, MBA CLE Annual Judges Trial Practices
See insert or register at www.mbabar.org.

6 Thursday, Pro Bono Fair
See details on p. 4.

10 Monday, May Multnomah Lawyer deadline

11 Tuesday, YLS Board meeting

13 Thursday, FBA Annual Appreciation Dinner
at Hilton
Visit www.fedbar.org/oregon for details.

April 24-May 5 Monday-Friday, CourtCare Campaign

May

13 Saturday, MBA 100th Anniversary Party, Portland Art Museum

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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

New Year's Resolution: Better Conflict Checks

In the lawyer version of the perennial New Year's resolution to "exercise more," some of us vow each year to "do better conflict checks." And, like "exercise more," "do better conflict checks" is a good idea that often doesn't make it to February. This past year saw two Oregon cases that give all of us an incentive to "do better conflict checks." The first involved a lawyer who didn't have a conflict system. The second concerned a lawyer who had very sophisticated, computer-based system available but didn't use it. In the first instance, the lawyer was disciplined. In the second, the lawyer's firm was disqualified.

In re Knappenberger, 338 Or 341, 108 P3d 1161 (2005), involved a family law practitioner. The husband in a divorce proceeding consulted the lawyer about representing him in that and also discussed a related restraining order proceeding. Ultimately, the husband retained other counsel. The lawyer sent the husband a bill for the consultation and the Oregon Supreme Court later found that the husband was the lawyer's client for that limited period. About a month later, the wife consulted the same lawyer and hired the lawyer to represent her in both proceedings. The lawyer didn't use a conventional conflict checking system - relying only on his memory and his address list. He didn't recall meeting with the husband and his "conflict checking" system didn't catch the earlier contact with the husband either. Although he later withdrew when the husband's new lawyer threatened a disqualification motion, the Oregon Supreme Court disciplined the lawyer for a former client conflict. In doing so, the Supreme Court noted pointedly that the lawyer "had no real procedure for checking for conflicts" and "a lawyer in the accused's situation may not rely solely on his or her memory to avoid prohibited conflicts of interest." 338 Or at 355, 356.

Philin v. Westhood, Inc., 2005 WL 582695 (D Or Mar 11, 2005) (unpublished), by contrast, involved a commercial dispute over investments in a golf course. In 2002, one of the defendant's directors sought legal advice from a partner in the Boston office of a major national law firm. In a meeting lasting about an hour, he discussed with the lawyer the assertions that the plaintiff's predecessor in interest was making concerning the defendant. The lawyer apparently



did not run a conflict check or open a new file at that time. The lawyer had no further contact with the director until September 2004, when the director contacted the lawyer again to let him know that it appeared that litigation over the dispute might be imminent. The lawyer acknowledged the earlier discussion, but again did not run a conflict check or open a new file. Meanwhile, the law firm's Portland office had taken on the plaintiff as a client in 2003 in the same dispute and filed a complaint against the defendant in September 2004. Before opening the matter, the Portland office ran a conflict check using the law firm's computerized system. Because the Boston partner never entered the client in the system, however, the conflict check did not reveal a problem. Once the complaint was served, the defendant raised the conflict with the law firm and then moved to disqualify the law firm when it did not withdraw. The District Court found that an attorney-client relationship had been formed in 2002 between the defendant and the law firm and disqualified the law firm under both the current and former client conflict rules.

Although the firm structures were vastly different in *Knappenberger* and *Philin*, the parallels are striking: short, exploratory conferences with potential clients that reviewing courts later held ripened into attorney-client relationships; no conflict checks on intake; and later disqualifying conflicts when the other side in the disputes became clients of the lawyer and law firm involved. With each, the results could have been avoided simply by entering the initial consultations in a conflicts database or put simply, by doing "better conflict checks."

ANNOUNCEMENTS

MBA Noon Time Bicycle Rides
Multnomah Bar Association noon time bike rides - short fast rides with hills. Meet at SW Yamhill and Broadway between noon and 12:10 p.m., Mondays and Thursdays. Contact Ray Thomas 503.228.5222 with questions, or meet at the start.

Project Homeless Connect Volunteers Needed
Project Homeless Connect helps people transition out of homelessness. Portland's first Project Homeless Connect will launch on January 17 at the Memorial Coliseum, where hundreds of volunteers will meet homeless people needing medical, dental, legal, addiction and housing-counseling services. Paralegals, law students and lawyers are needed to help provide legal advice and information to homeless participants. To volunteer or for more information, please contact Monica Goracke at the Oregon Law Center at 503.473.8312 or monicagoracke@yahoo.com or visit www.portlandhomelessconnect.com.

Clackamas County Bar Association Elects Officers
Officers for 2006 include: President, **Kristen S. David**;

Vice-President, John S. Foote; Treasurer, Greg Oliveros; Secretary, Rhett Bernstein; and Golf Commissioner, **Larry Peterson**.

ABA Minority Scholarships Available
The ABA Legal Opportunity Scholarship Fund encourages racial and ethnic minority students to apply to law school and provides 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 <http://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.

Queens Bench Luncheon
On Tuesday, January 10, Queens Bench welcomes Karin

Immergut, U.S. Attorney for Oregon. Prior to her appointment as U.S. Attorney, Karin served as Assistant U.S. Attorney in Oregon and in Los Angeles, California. She has also served as Deputy District Attorney for Multnomah County. Karin will discuss the challenges and opportunities of being a woman in a high-level law enforcement position.

Queens Bench luncheons occur the second Tuesday of every month at Jax Restaurant. The cost is \$12 and everyone is welcome. Doors open at 11:45 a.m. For more information, please contact Barbara Smythe at 503.595.5300, barbara.smythe@klarquist.com, or Nicole DeFever at 503.735.5323, nicole@defever.com.

Catholic Charities Immigration Legal Services
Catholic Charities is putting on several pro bono programs in early 2006. These trainings offer attorneys the opportunity to assist immigrant survivors of domestic violence in obtaining immigration relief. Please contact Sara Scott, Pro Bono Coordinator, at saramscott@gmail.com for more information.

MBA East County Winter Social

If you live or work in East County, the MBA hopes you will join us for the East County Winter Social. This meet-and-greet event will take place at Heidi's of Gresham, 1230 NE Cleveland on Wednesday, January 25 from 5:30-7 p.m. It will be a great opportunity to meet other East County members, share ideas and just enjoy yourself. The cost is \$10 and includes a drink and hors d'oeuvres. If you would like to attend, please call 503.222.3275 or email Noëlle at noelle@mbabar.org.

second Annual PRO BONO Fair

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MBA YLS
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MBA and Bank of the Cascades Member Benefit Banking

By Elise Bouneff, Vice President and Professional Banking Officer.

Bank of the Cascades is honored to be the MBA's new affinity partner for member benefit banking, and we're particularly excited to partner with the MBA for this year of centennial celebration and beyond. As we embark on this partnership, our goal is to add value to MBA membership. We will work to serve the financial needs of the membership and with the same level of commitment, service and excellence that you bring to the community.

This value system is rooted in the understanding that professionalism in business is of the utmost importance, but that business can't happen without a strong and healthy community. We applaud the MBA and its 100 year commitment to promote justice, service, professionalism, education and leadership to its members and to the community. Bank of the Cascades shares a common commitment to our communities, customers, employees and shareholders.

Cascade Bancorp and its wholly-owned subsidiary, Bank of the Cascades, have a business strategy that focuses on delivering the best in banking for the financial well being of customers and shareholders. The bank implements its strategy by combining outstanding service, competitive financial products, local expertise and advanced technology, applied for the convenience of customers. Founded in 1977, Bank of the Cascades offers full-service banking through 21 branches. The bank has been rated among the top performing banks in the nation for the eighth consecutive year by *US Banker Magazine* and *Independent Community Bankers of America*. In addition, *The Seattle Times* named Cascade Bancorp in the top tier of the annual "Northwest 100" ranking of all publicly traded companies in the Pacific Northwest, and it was among the top 20 "Best Companies to Work For" in *Oregon Business* magazine.

The bank offers a comprehensive line of commercial banking products and services including business and personal loans, commercial and

residential real estate loans, and deposit services such as checking, internet banking and a full array of cash management services. We are proud to offer these services with added exclusive benefits to the MBA membership through our Professional Banking Group in the Portland Office of Bank of the Cascades.

With this opportunity, we will work hard to be your banking and financial partner, but also will work to make a difference within the organizations and communities in which you are committed, such as the Oregon Law Foundation and IOLTA program, the Campaign for Equal Justice, Classroom Law Project and more. Please contact me directly for assistance, Elise Bouneff, 503.499.5931, eliseb@botc.com.

Here's to a wonderful centennial year for the Multnomah Bar Association. Thank you for sharing it with Bank of the Cascades.

commitment to professionalism

The Professionalism Statement developed by the MBA Professionalism Committee is available for MBA members to purchase and display in their offices. The statement is printed on quality 11" x 14" parchment paper and suitable for framing. A smaller version of the statement is displayed in the Multnomah County courtrooms.

Reconfirm your commitment to professionalism; purchase your professionalism statement today!

See www.mbabar.org for more information and to place your order.



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We're proud to provide Member Benefits Banking to the Multnomah Bar Association and to celebrate and participate in your centennial.

Contact **Elise Bouneff** at 503-499-5931 or eliseb@botc.com to learn more.



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Pro Bono Opportunities in Multnomah County

Program Descriptions 2006

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 toward OSB CLEs.

For a full list of pro bono opportunities in Multnomah County, please consult the MBA Web site for an electronic copy of Pro Bono Opportunities in Oregon.

CHILDREN'S REPRESENTATION PROJECT**

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

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

COMMUNITY DEVELOPMENT LAW CENTER (CDLC)

This project of the Campaign for Equal Justice and Legal Aid Services of Oregon assists nonprofit organizations involved in housing and community development activities. The CDLC provides legal advice, representation, group training and one-on-one technical assistance to its nonprofit clients. Examples of projects include: land acquisitions, review and negotiation of project financing and construction agreements, development of ground leases, contested land-use cases, property tax cases, nonprofit mergers and general nonprofit governance matters. 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

LEGAL AID SERVICES OF OREGON (LASO), MULTNOMAH COUNTY OFFICE

Contact: Cathy Keenan, 503.224.4086, cathy.keenan@lasoregon.org, or 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 whether ongoing representation is appropriate. The clinic is held on the third Thursday of the month from 6:30-9:30 p.m. and alternates between locations in Beaverton, Portland and Gresham.

- **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.
- **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 2:30-5 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. Volunteers are especially needed to assist clients with overpayment and representative payee issues. There is also an emerging need for attorneys to represent clients who are not English speakers – attorneys who speak multiple languages are encouraged to volunteer. Training materials are available.

- **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: Carol Noonan, Davis Wright Tremaine, 504.241.2300, carolnoonan@dwt.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, 503.473.8326, lorialton@yahoo.com

- **Neighborhood Legal Clinic.** Weekly clinics are conducted from 4:30-6:30 p.m. in Portland. Each clinic serves three-four 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 toward Spanish speaking clients. Individuals and law firms can schedule one or more appearances each year.

- **ProBonoOregon Listserv.** ProBonoOregon is a weekly email listserv that posts pro bono cases from programs serving the needs of low-income clients. The listserv allows attorneys to take the cases they want, when they want them, and in the field of their choice. To sign up for ProBonoOregon, go to the statewide legal aid pro bono

and advocate Web site at www.oregonadvocates.org, join the site and go to the "listserv" menu to join.

SPONSORS ORGANIZED TO ASSIST REFUGEES (SOAR) 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

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Sign up for ProBonoOregon, a pro bono case placement listserv.

Receive weekly emails from nonprofit offices in the Portland metro area, offering transactional and litigation pro bono opportunities in a wide range of legal areas.

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Go to www.oregonadvocates.org and follow the ProBonoOregon sign-up links to volunteer now.

Call Lori Alton at 503.473.8326 for more information or assistance.

Divorce?

Two words:
"Best Lawyers"

The 2005-06 edition of "Best Lawyers in America" lists only seven family law attorneys in Portland. We have three of them: Albert A. Menashe, Eric C. Larson, and William J. Howe III.

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The firm you want on your side

AROUND THE BAR



Peter Glade

MARKOWITZ HERBOLD ET AL **Peter Glade**, MBA President-Elect, has become a Fellow of the American College of Trial Lawyers. Glade, a shareholder with Markowitz, Herbold, Glade & Mehlhaf, has been practicing in this city for 26 years. He has been lead counsel on many of the largest, most high-profile cases handled by the firm, representing individuals and businesses in pressing and defending claims over professional malpractice, violations of antitrust and securities laws and regulations, breach of fiduciary duty, breach of contract, fraud, product liability, intellectual property disputes, real estate transactions and business torts. Glade is the third lawyer in the firm to have been inducted into the American College of Trial Lawyers, after Dave Markowitz and the late Barrie Herbold.

HONORABLE JEROME LABARRE Multnomah County Circuit Court **Judge Jerome LaBarre** has been reappointed Chair of the ADR Committee of ABA Judicial Division National Conference of State Court Trial Judges. Judge LaBarre is also the representative of the Judicial Division to the ABA Special Committee on Bioethics and the Law and is one of Oregon's two delegates to the ABA's Judicial Division. Judge LaBarre is also a past president of the MBA.



Richard Vangelisti

VANGELISTI LAW OFFICES **Richard Vangelisti** has received an AV Peer Review Rating from Martindale-Hubbell. Vangelisti's practice focuses on plaintiff's personal injury law.

TONKON TORP

Paul W. Conable and **Michael W. Fletcher** have been elected partners of the firm. Conable's practice focuses primarily on commercial litigation. Fletcher concentrates on assisting companies with their general business law needs.

James Hein is an associate in the firm's litigation department. **Kimberlee Stafford** is an associate in the firm's business department with emphasis on real estate and land use law.



Victoria D. Blachly



Jeffrey W. Knapp



Tanya A. Durkee

LANE POWELL

Victoria D. Blachly, a civil trial attorney who works on a wide range of issues, including employment, insurance, personal injury, premises liability, professional liability, trust and fiduciary litigation and will contests, has been elected a firm shareholder. Another new shareholder is **Jeffrey W. Knapp**, a member of the firm's employee benefits practice group. His practice encompasses health and welfare benefits and qualified and nonqualified retirement plans.

Tanya A. Durkee has returned to the firm as a shareholder in its litigation department, having concluded her tenure as Deputy Commissioner of Securities for

the Vermont State Securities Division. Durkee will resume her practice in the commercial litigation group, focusing on the areas of securities, banking, antitrust and trade regulation, and consumer defense.

MILLER NASH

As noted in the December "Around the Bar" column, attorneys from the firm were included in the 12th edition of *The Best Lawyers in America*. Their names and accompanying corrected practice areas follow: **Lou Henry**, bankruptcy and creditor-debtor rights law; **Dennis Rawlinson**, **Peter Richter** and **Tom Sand**, commercial litigation; **Don Burns**, employee benefits; **Lou Livingston**, labor and employment law; **Dean DeChaine** and **Chris Helmer**, maritime law; **Jon Goodling**, real estate law; **David Culpepper**, tax law; and **Conrad Moore**, trusts and estates. The MBA regrets the error.

COSGRAVE VERGEER KESTER

For the fifth consecutive year, **Tom Christ** has been included in *The Best Lawyers in America*. He was selected for his work in the areas of appellate law and first amendment law.



Joy Ellis



Michael O'Connor

GARVEY SCHUBERT BARER **Joy Ellis** and **Michael O'Connor** have been promoted to firm owners. Ellis practices in the areas of labor and employment law, litigation and sustainable business. O'Connor practices in the areas of business and commercial litigation, class action litigation and labor and employment law.



Benjamin R. Buhayar

LANDYE BENNETT BLUMSTEIN

Benjamin R. Buhayar has joined the firm as an associate, where he will focus his practice on real estate transactions, taxation and corporate law.



Bob Steringer

HARRANG LONG ET AL **Bob Steringer** became a shareholder in the firm. His

practice emphasizes complex litigation, as well as real estate and business transactions, including shareholder disputes and commercial disputes.



Thomas E. McDermott

LINDSAY, HART ET AL

Thomas E. McDermott of the firm has been elected to *The Best Lawyers in America* for the 2006 edition. McDermott was recognized for his achievements in maritime law. He also defends lawyers, physicians and accountants against professional negligence claims.

The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. Items may be submitted by email to carol@mbabar.org and are edited to fit column format and used on a space-available basis.

Bodyfelt Mount Stroup & Chamberlain LLP

is pleased to announce that
Deanna L. Wray
has become a partner of the firm.

We are also pleased to announce that
Pamela J. Stendahl
has become of counsel to the firm.

Ms. Stendahl will continue to focus her practice on the defense of employment and professional liability claims.



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MBA 4th Annual wintersmash

saturday, february 25
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A MULTNOMAH courtcare fundraiser.

see insert and page 11 for details.

Tips from the Bench

By Judge John A. Wittmayer, Multnomah County Circuit Court.



Case assignment in Multnomah County

Do you sometimes wonder why the presiding judge cannot assign very many cases out for trial each morning at daily call? There are 38 judges in Multnomah County and it seems that more than a few should be available, right?

Here is the reality of what the presiding judge has to deal with in terms of judge availability: We average two judge vacancies a year in this county, and it takes about 180 days for the Governor to fill a vacancy by appointment. We are down one judge most of the time due to vacancies. Allowing for vacations, conferences, and CLEs only, on an annual basis we are down about six additional judges, on average. Five judges have full-time assignments that keep them from trial work: the presiding judge, the chief criminal judge, the settlement judge, the intensive DUII docket (DISP) judge and the drug treatment court (STOP) judge. Six judges handle misdemeanors and drug/property felonies full-time and nine judges are assigned to family court. Frequently at least one judge is sitting in the justice center doing arraignments and other criminal matters. This leaves ten judges. But they are not all available each day to start a new trial assigned from daily call, because they are continuing multi-day trials previously assigned, or have other matters set on their dockets. Criminal cases have constitutional and statutory priority, so even fewer judges are available each day to start civil cases.

Lawyers for children

Over half of the family law filings involve persons representing themselves. This often results in judges not receiving adequate information needed to make sound decisions about child custody and parenting time issues (and other issues, as well). To help with this problem, Judge Susan Svetkey and others have put together a program that facilitates appointment of lawyers for children in family law cases. Most of the time lawyers appointed to represent children end up volunteering their time for their clients. It is rare for money to be available to pay these lawyers. These are usually high-conflict cases that involve some combination of

domestic violence, substance abuse and/or mental illness. Lawyers are welcome to add their names to the list. Judge Svetkey manages the list, so you should contact her office to do so at 503.988.3060. From time to time, training sessions and informal sessions are available to assist lawyers with this important work. Lawyers participating are providing a very valuable service to not only their children clients, but to the court, as well.

Praecepte needed with all civil motions

What is a praecipe (rhymes with "recipe")? I checked both my old *Black's Law Dictionary* and a regular dictionary. Both had definitions, but neither seemed to fit how we use the word here in Multnomah County.

In Multnomah County Circuit Court motion practice, a praecipe is a document prepared by a lawyer who files a motion. The praecipe contains information about the motion, such as the type of motion, the date and time set for the hearing, the name of the assigned judge and a form of certificate of service on opposing counsel (or pro se litigants). The praecipe is not filed with the clerk of the court. It is, in effect, a "cover sheet," bearing information about the motion. It lets the judge and the judge's staff know you are coming for your motion hearing.

SLR 5.015(5) provides that "[t]he original motion praecipe shall be attached to the assigned judge's copy of the motion, including motions assigned to pro tem judges, and delivered to the assigned judge at the time the motion is filed. A copy of the motion praecipe shall be attached to the service copy of the motion and delivered to all parties. Failure to deliver a praecipe and copy of the motion when required by this rule may result in sanctions as provided by UTCR 1.090, including striking the underlying motion."

A question has recently arisen about whether our judges are striking motions that come to the judge without a motion praecipe attached, as required by SLR 5.015(5). Practice tip: Don't put yourself or your client in the position of needing to argue that your motion should be heard despite that you did not attach the required praecipe to the judge's copy and the service copies of your motion.

Another practice tip: After you call civil calendaring to get a judge assigned and a date and time for your motion, you need to file your motion right away. To delay filing the motion is to squeeze the time limits for the other side in responding to your motion and for you in replying to the response. And don't call civil calendaring for a judge assignment until your motion is ready to file.



By Susan Watts, Kennedy Watts et al and Court Liaison Committee member.

Legislative Open House

With assistance from MBA staff, Judge Koch and other members of the Multnomah County Circuit Court held a legislative open house on November 17. This was the fourth open house the court has held for area legislators and their staff. This year, the open house focused on the county's treatment courts for individuals charged with drunk driving, drug violations and domestic violence and for juvenile offenders with mental health issues. Most area legislators have attended at least one of the open houses, and Judge Koch believes the sessions play an important and positive role in educating members of the legislative branch with the work of the court.

Judicial Vacancy

The deadline for applying for the open judicial position vacated by Judge Galton was December 5. Governor Kulongoski is expected to make an appointment early in the new year. Whoever is appointed will need to file for re-election by the first Tuesday in March and run in the May primary.

Judicial Practices Survey

Court Liaison Committee members Julia Hagan, Jeffrey Chicoine and David Meyer have formed a subcommittee to review the court's Judicial Practices Survey. Although the survey is updated as new judges are appointed, the questions used in the survey have not been reviewed or updated in a few years. The subcommittee will review survey questions to see if they should be rewritten and make recommendations to update the survey if necessary.

Supplemental Local Rules Online

As many members know, there is a link to the Supplemental Local Rules for Multnomah County on the MBA Web site. The MBA staff will add a link for the Supplemental Local Rules for Clackamas and Washington counties. Supplemental Local Rules for most counties are available through the Oregon Judicial Department Web site, www.ojd.state.or.us.

Old Business

Members of the MBA Court Liaison Committee are continuing to work on devising a format to report Multnomah County jury

verdicts in a useful fashion on the MBA Web site. Look for a pilot program available online in 2006.

Committee Members Michael Merchant and Greg Silver continue to work with court administrator Doug Bray on the feasibility of providing court hearing notices by email. Some of the smaller Oregon counties are already providing notices by email. However, the failure of the State Court Administrator's office to hook up with the OSB's master list of addresses and email addresses may be an insurmountable barrier to Multnomah County going on line with hearing notices. Given the number of lawyers who practice in the county and have cases in Multnomah County Circuit Court, it would be too time-consuming to manually input names, addresses and email addresses in OJIN. The Court Liaison Committee is working on a proposal to present to the MBA Board to encourage the State Court Administrator's office and the OSB to work together to implement a link to the Bar's official address data.

Attorneys Respond to Hurricane Katrina

By Christine B. Mason, Oregon Department of Justice and Legal Aid Services of Oregon/Oregon Law Center Board of Directors.

On August 29, 2005, Hurricane Katrina came ashore, flooding New Orleans and wreaking all kinds of harm on residents of Louisiana and Mississippi. Relief efforts began immediately and included the development of a shelter and welcome center in Portland. Soon after, the MBA Board of Directors resolved to help hurricane survivors with their legal issues. By September 6, MBA Executive Director Judy Edwards emailed the membership and invited attorneys to provide pro bono services to Katrina survivors. Within 12 hours, 60 lawyers responded to the call for help.

To determine the next step for meeting the legal needs of the Katrina survivors, Judy convened a meeting with MBA board members, attorneys from Legal Aid Services of Oregon (LASO), MBA Young Lawyers Section members and an OSB representative. That group

agreed that the Volunteer Lawyers Project (VLP) at LASO was in the best position to coordinate the pro bono effort. The VLP was already experienced at administering the direct placement of pro bono cases the effort would require, including performing conflicts checks, screening and interviewing for particular legal issues and follow-up.

Katrina survivors who have accessed the project have legal issues familiar to lawyers who provide pro bono services to low-income clients. They include accessing federal benefits (in this case, FEMA benefits), landlord/tenant and other housing disputes, and the denial of unemployment compensation. Volunteer attorneys, as well as law students in the Lewis & Clark Law School Legal Clinic have assisted Katrina survivors. While the current demand for

legal services has been low, Maya Crawford of VLP believes that many more cases will come in as the roughly 900 Katrina survivors in Portland settle down and begin addressing their less-than-immediate survival issues.

Hurricane Katrina created an immediate need for attorneys to provide pro bono services for those in dire need. However, it is important to remember that the need for pro bono legal service remains strong throughout the year. Currently, over 80% of low-income Oregonians do not have their legal needs met. We should applaud our legal community for the quick response to Hurricane Katrina, but our work is not done. Please take the time to make the difference in the life of a client who needs legal assistance and volunteer for a pro bono project today.

Profile: Judge Jerry Hodson Multnomah County Circuit Court

By Michael Merchant, Black Helterline and MBA Court Liaison Committee member.

If someone told you that living in Oregon was like being on vacation, would you believe them? If that someone was **Judge Jerry Hodson**, you might. Our newest Multnomah County Circuit Court judge, an Arizona native, says he moved to Oregon nearly 20 years ago, in part because it reminded him of family vacations to places where it rained a lot. Thus, viewed positively, living in Oregon is like being on a vacation. Coming from Judge Hodson, this sounded not only believable but reasonable. Judge Hodson brings that same enthusiasm and energy to his new position, one he still has a hard time believing happened to him.

Judge Hodson moved to Oregon from Los Angeles with his wife, Diane, a returning Oregon native. They married 21 years ago. While in Los Angeles, Judge Hodson pursued his law degree at UCLA and Diane completed her studies in French and teaching. Diane is now a teacher. In addition to working, they keep busy raising three sons, ages 10, 14 and 16.

Family time and physical activity are very important to the Hodsons. Judge Hodson said he loves to run and reports he's run the Hood to Coast Relay for the past 15 years. His team calls itself

"Twenty-one Percent Body Fat," a description he says is "less accurate than it used to be." Diane works as a personal trainer and is pursuing certification as a Pilates instructor. His sons are involved in sports and Judge Hodson has paid his dues as a coach. As his sons grow older, they are now challenging him in a variety of sports. The winners were not disclosed, with one exception - the oldest is now the reigning champ on the basketball court. In his defense, Judge Hodson protested his son's height advantage. Most recently, the Hodsons hiked and camped in the Mt. Adams wilderness area, which Judge Hodson described as not only beautiful but a fantastic family experience. In addition to his family, Judge Hodson also devotes time to other youth-oriented activities through his church, schools and community groups.

After family, what Judge Hodson most wanted to talk about was the adventure of becoming a judge. This was a childhood dream that happened far sooner than he ever thought it would. Judge Hodson started and finished his career as a business and commercial litigator with Miller Nash. The demands of that practice pushed aside his childhood dream for a long time. Four or five years ago, after settling

into a productive practice, the judge idea resurfaced. Although he thought he should get more "experience" like the other judges (we all know what he meant) Judge Hodson noticed that the "experienced" lawyers being appointed were his contemporaries. He'd become one of those "experienced" lawyers but had been too busy to notice.

Sometimes there is not much difference between a childhood dream and a plan. This is such a case. Judge Hodson thought that his first time through the judicial application process would be a learning experience for next time. As the process progressed, however, he learned that the Governor wanted to interview him. One of his current colleagues assured him that an interview was positive news - at least he knew he was still on the list. Imagine the surprise when he was offered the job at the interview. According to Judge Hodson, Governor Kulongoski needed no imagination because the judge-to-be nearly fell out of his chair when offered the job. When he told Diane the news, she said she knew all along. Most of Judge Hodson's friends and colleagues probably shared Diane's view, because his

enthusiasm and inquisitiveness make him particularly well suited to be a judge.

Judge Hodson's inquisitiveness is easily noticed. As a lawyer, he believed if you do not know an answer you should ask a question. Judge Hodson continues to do so in his new job as a judge. He asks questions not only of his fellow judges but also the lawyers appearing before him. Judge Hodson reported that he learned two important things in response to all his questioning: First, the willingness of the other judges to share experiences, especially in areas with which he is not too familiar, is better than he could have hoped. Second, he appreciates the candor and the patience of the lawyers. Judge Hodson explained he worries most about getting things right. Sometimes that takes a little longer than he likes. Even though he has been a judge for only a few months, the importance of a lawyer's candor and willingness to get to the issues was a point he made twice.

Due to his recent transition from lawyer to judge, the comparisons between the two are both fresh in his mind. Both jobs provide something new every day. That's



Judge Jerry Hodson

the fun part. As Judge Hodson pointed out, if there is a fun part, there is always a hard part. One thing he did not anticipate was the mental strain caused by judging every day. He was used to the strain of being a trial lawyer - he spent nearly 20 years at the Miller Nash law firm. He explained that having to remain focused and concentrate the whole day, every day, was much harder than he expected. As judging becomes more familiar, he is optimistic it will not be so taxing. He's confident the "something new" part of the job will continue.

Since this is his first job change in nearly 20 years, he says Diane continues to ask him if he's still as excited as when he was appointed. Based on our conversation, I can report that he most definitely is.

Voices for Children

By Michael Dwyer, MBA Board and Dwyer & Miller.

Professionals from a variety of disciplines - psychologists, judges and lawyers - came together recently to discuss how to improve the lot of children in high-conflict family law cases. The multi-disciplinary collaboration, called Voices for Children, was the first such gathering in Multnomah County. For two hours, more than 50 people met in a town-hall forum and shared their experiences, identified needed resources, and exchanged ideas.

Judges Elizabeth Welch, Susan Svetkey and Katherine Tennyson participated in the meeting. The judges discussed their expectations for lawyers who are appointed to represent children in family law cases in Multnomah County. The Hon. Susan Svetkey and her staff oversee the Children's Representation Project. In this project, attorneys are appointed to represent children in high-conflict family law cases. Most of these cases are handled on a pro bono basis, although in some cases the parents pay the fees of the child's attorney. The judges emphasized the value and importance of attorneys providing a voice to the child in question and making recommendations to the court.

The next part of the program focused on mental health professionals and their role

in family law cases. Linda Sherman, Ph.D., provided an overview of an experimental system now used in Connecticut in which the needs of families are assessed at the outset of a case filing. In the Connecticut system, high-conflict families are immediately identified and resources are provided for the families. The attendees discussed the need to recruit mental health practitioners to conduct custody evaluations on a pro bono basis. The group also discussed whether something shy of full custody evaluations would be helpful to the court and whether clinicians not trained as custody evaluators could serve as volunteer evaluators or whether their lack of training would compromise the evaluation.

The lawyers in attendance identified issues that need to be addressed for volunteers for the Children's Representation Project. Those issues include obtaining more training regarding juvenile court proceedings and their interplay with the family court. Attorneys also desire training to clarify their role as the child's attorney - do they represent a child's wishes or what is in the best interest of the child? The group also identified a need for mentoring attorneys for volunteers who are less experienced in representing children.



Michael Dwyer

The first Voices for Children meeting resulted in a plan to hold brown-bag educational lunches in 2006. Lunch topics will include information about juvenile court, the role of "parenting coordinators," divorce education, overnight parenting time and child development issues, the Colorado model of brief custody evaluations, working with parents who have personality disorders and responding to sex abuse allegations.

Lawyers wishing to attend the brown-bag lunch meeting must be willing to volunteer to represent children through the Children's Representation Project. To volunteer for this project, please contact Brandy Jones at 503.988.3060 or brandy.jones@ojd.state.or.us. If you are interested in learning more about Voices for Children, please contact Michael Dwyer or Lisa Miller at 503.241.9456, michael@dwyermiller.com or lisa@dwyermiller.com.

In Memoriam Frank E. Nash

Frank E. Nash, a lawyer for more than 60 years and partner at Miller Nash, died at the age of 89.

"Frank Nash was an impressive lawyer with tremendous analytical skills and outstanding judgment; he always seemed to have a good solution to a problem," said Tom Sand, managing partner at Miller Nash. "Frank demonstrated great leadership both in our community and in our firm. Without Frank's leadership, our firm would not be what it is today."

An Oregon native, Nash was born and raised in Pendleton. He attended the University of Oregon where he obtained both his undergraduate and law school degrees. While in law school he was student body president and editor of *The Oregon Law Review*. The Depression disrupted his plans to practice law in a small town and be a part-time farmer. He moved to Portland and joined Miller Nash, then known as McCamant, Thompson, King & Wood, in 1939 to practice law full time.

Frank's first years with the firm were spent working on the bankruptcy reorganization of the old Portland Electric Power Company, now PGE. His work on the case ended when World War II interrupted his law practice. Because of his reserve officer's commission, he was called to active duty, where he commanded the Fourth Counterintelligence Region in the occupation of Japan, reaching the rank of Lieutenant Colonel.



Frank Nash

Nash started many of the high quality standards of the firm and was a highly regarded teacher and mentor for many young lawyers. He has been described as providing training and guidance that made each lawyer a better lawyer.

Nash was an outstanding humanitarian and was involved and invested in his community.

In 1980, Nash received the Oregon Pioneer Award from the University of Oregon for services to Oregon, the University and the community. He also received the Law Meritorious Service Award from the University of Oregon in 1992. He was a past president of the MBA, a Fellow of the ABA Foundation and he also served as a member of the House of Delegates of the ABA. In 1993, Nash funded a professorship in law for the University of Oregon Law School.

Shortly after college, Nash met and married Miss Elizabeth "Betty" Anne Kibbe. He is survived by his four children and eight grandchildren.

Lewis & Clark Law Students are Tomorrow's Pro Bono Attorneys

By Jennifer Bragar, Lewis & Clark Law School student.

Since 1990, Lewis & Clark law students have dedicated their time, energy and legal knowledge to the Public Interest Law Project (PILP). PILP is a student-run nonprofit organization tasked with fundraising to support summer stipends for students choosing to work to advance the public interest. These students work for organizations that are otherwise not able to pay summer law clerks.

In 2005, stipend recipients worked to protect the environment, promote human rights, provide legal assistance to migrant farm workers and enforce tenant rights, to name a few. The 18 recipients contributed over 7,200 hours to nonprofits, working as close to home as Portland and as far away as Sri Lanka.

Elizabeth Richards, now a second-year student, spent her summer working at the Juvenile Rights Project (JRP) in Portland. Elizabeth combined her previous social work experience with her new legal skills at JRP. Elizabeth's primary research project focused on the benefits of permanency for children caught in the child dependency system. Her work demonstrated the advantages of adoption and guardianship. It will hopefully help child-welfare professionals make decisions about at-risk youth with whom they work.

In October 2005, stipend recipient Jennifer Bragar received her first legal victory from the Land Use Board of Appeals. During the summer, Jennifer worked with the Cascade Resources Advocacy Group (CRAG).

She worked with CRAG to draft the brief in a case to prevent a 1,000 home development from being built on protected forestland in Coos County. A development of the scale proposed would have disrupted the exquisite landscape and destroyed many of the beautiful features people seek in Coos County. Now a second-year law student, Jennifer is continuing her work with CRAG as a student board member.

Without PILP stipends, Elizabeth, Jennifer and 16 other law students would not have been able to work for public interest organizations this summer. The annual auction, now in its 16th year, is PILP's largest fundraiser and one of the largest law school auctions in the country. Mark your calendar for this year's gala event, "Building Interest in Public Interest," which will be held



Craig Brown, Ann Brown, Lynne Lloyd and Jeff Little attended last year's auction

Saturday, February 25 at Lewis & Clark Law School. Last year's auction raised over \$85,000 and funded 18 stipends. Participation in the thrilling live auction will be the highlight of the evening.

PILP stipends not only provide students with the opportunity to work in a public interest office, but they help to create the next generation of pro bono attorneys. Many PILP recipients have gone onto practice in public interest firms and to provide pro bono services to clients in need. *PILP's success depends on you.* Please attend the auction, donate an item to the auction or make a tax-deductible cash donation to PILP today. For more information about the auction or how to make a donation, please contact Nellie McAdams at 503.768.6782 or auction@lclark.edu. Thank you for your ongoing support of PILP!

Karen Knauerhase: A Voice for the Elderly

By James McCurdy, Lindsay Hart Neil & Weigler.

A study conducted in 2000 found that less than 18% of Oregon's low-income residents are able to acquire a lawyer's help with their legal problems. In an attempt to meet that need, there are legal service programs throughout the state that are staffed by dedicated employees and volunteers. One of those committed volunteers is Karen Knauerhase. Since beginning her legal practice in 2002, Karen has worked as an advocate for the elderly population by volunteering for the Senior Law Project (SLP).

SLP attorneys serve clients who are over the age of 60 or are married to someone over 60 throughout Multnomah County. The attorneys meet with up to six clients per clinic. Each client is given a 30-minute appointment. The pro bono attorneys provide additional free services for low-income clients; i.e., clients who are at or below 125% of the federal poverty guidelines.

Karen graduated from Lewis & Clark Law School in 2001, and shortly thereafter began practicing in Oregon. During her first year as an attorney, she worked for the Bonneville Power Administration, spending her spare time working as an

advocate for the elderly at the SLP. Although she enjoyed the challenges of energy law, Karen knew that her true passion was working with seniors.

After leaving the BPA in 2003, Karen opened a solo practice focusing primarily on elder law - a move that would be a huge leap for many new lawyers. For Karen, the move was nothing out of the ordinary, as she had gained experience working with seniors with legal issues through the SLP. Karen also had a lot of experience interacting with elderly people. While growing up in Scappoose, Karen's family "adopted" several elderly people who would have otherwise been alone. From the couple who sold Karen's parents their home, to her mother's first mentor teacher, Karen's family was filled with adopted grandparents who were regular guests for dinner on Sundays and often accompanied Karen and her family on vacation. Karen's attraction to elder law grew out of that experience with this extended family.

Currently, Karen splits her time between her private practice and her work for the SLP. Through her work, both at the SLP and in her private practice, Karen has found that she has had the opportunity to work with a



Karen Knauerhase

population who would otherwise be unable to find attorneys. Karen noted, "The clients I have met with through the Senior Law Project have been extremely grateful that an attorney has taken the time to help them. This pro bono project has highlighted for me how important basic legal assistance is for seniors - not only in assisting them with current legal issues, but helping them to avoid future legal problems."

Karen urges other attorneys to pursue their passions and to help client populations in need of legal assistance. If you would like to volunteer for the Senior Law Project, please contact Maya Crawford at 503.224.4086 or maya.crawford@lasoregon.org.

Young Lawyers section

MBA YLS Drop-in social with Jim Carter of Nike

The MBA YLS is holding a Drop-in Social at Bar 71 (71 SW 2nd Ave.) from 5:30 to 7 p.m. on Wednesday, January 18. This is a casual get-together and a great opportunity to meet other young lawyers. In addition, Jim Carter, Vice President and General Counsel for Nike, will speak about his experience in the legal field and his position at Nike. Carter will also be available to answer questions.

We'll see you there!

The YLS Professional Development and Education Committee Announces the First Annual 2006 Peer-To-Peer Program Orientation

What: An opportunity for newer and younger attorneys to join small, specialized groups of their peers to provide support to each other in the practice of law. The YLS PDE Committee will facilitate each group's start-up and assist each group in developing a structure that best fits the needs of the group's members.

Why: An unparalleled forum for attorneys to expand their social network, connect with their contemporaries who practice in the same area and engage in a support network.

When: Thursday, January 19, 5:30-7 p.m.

Where: Red Star Club Room, SW 5th and Alder, Portland

Groups Forming: Defense Litigation; Employment; Business Litigation; Solos/Small Firms; Family Law; Plaintiff Litigation; Estates/Trusts; Business; and Environmental Law.

If you have ideas for additional groups please contact Aaron Denton at adenton@martinbischhoff.com.

RSVP: To Noëlle Saint-Cyr with your group choice at noelle@mbabar.org or call 503.222.3275.

Appetizers will be provided; no-host bar

ABA Publications Picks at Member Discount Litigation and Legal Technology

73 Ways to Win: A Treasury of Litigation Tactics Strategies (DVD Package)

This program is a rare opportunity to learn from 73 of the country's top trial advocates, asked to give their top litigation tips. The participants draw on 1,757 years of collective litigation experience to provide concrete, practical advice that is packed with examples, and do's and don'ts. In just 157 minutes, you will learn 73 ways to improve your trial practice and suggestions that you can use from the beginning of the case through the appeal. The MBA member price for this package is \$100 regularly, \$125. We would like to remind you that YLS Young Litigators Forum begins on January 13 with *Courtroom Nuts and Bolts*.

2004-2005 American Bar Association Legal Tech Survey Report: Litigation and Courtroom Technology

The volume brings together information regarding the use of technologies by lawyers, including statistics on technology budget and goals, training and support, security, courtroom hardware, litigation software, use of notebook and handheld devices in the courtroom, online depositions, electronic filing, electronic discovery and much more.

This title is also available as part of five-volume set. The *2004-2005 American Bar Association Legal Technology Resource Center Survey* provides a comprehensive look at how the legal profession uses technology. More than 1500 ABA members in private

practice in the U.S. returned questionnaires relating to law office computing, litigation and courtroom technology, Web-based communications, online research, and mobile technology. The MBA member price for this book is \$440, regularly \$550. We also encourage you to attend the *Low Rent, High Tech: Effective Use of Technology in the Courtroom* CLE seminar on January 24.

To purchase these publications or to see what others have said about them, log onto www.ababook.org and enter your member discount source code, PAB5EMUL. This discount applies to these or any publications featured on the ABA Web site.

Multnomah CourtCare and the MBA WinterSmash 2006

By Past and Present MBA Fun Committee Members.



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The Fourth Annual WinterSmash is slated for Saturday, February 25, from 6-9 p.m. To accommodate the large number of bowlers for the event, WinterSmash 2006 is being held at AMF 20th Century Lanes, located at 3550 SE 92nd Ave in Portland.

Lanes will be available for the MBA, 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 liquid refreshments.

CourtCare is a collaborative project between the Volunteers of America-Oregon (VOA), the 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 3,500 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 witnessed upsetting and emotional scenes.

Nearly 95% of those using CourtCare for their children are women; approximately 40% are domestic violence survivors. CourtCare staff regularly refers 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 settings allow for a fair legal process without undue distractions.

The generosity of spirit, hard work and long history of public service of the Portland Metropolitan area legal community has contributed greatly to the program's efforts. CourtCare is largely supported by individual lawyers and over 40 area law firms who believe in its mission. The support of the legal community remains key to the survival of this program.

So, come 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. In addition, raffle tickets will be for sale at the event, priced at one for \$10 or three for \$25. Some of the great prizes available in the raffle drawing include a round of golf at Pumpkin Ridge,

tickets to a Blazers' game and an elegant night's stay at the Portland Downtown Marriott. You won't want to miss this opportunity! Register via the insert in this issue of *Multnomah Lawyer*.

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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, the Oregon Law Center, the Nonprofit Project and Attorneys for Youth. To learn more about pro bono opportunities in Multnomah County, check out the *Pro Bono Opportunities in Oregon* handbook, available at www.mbabar.org/docs/ProBonoGuide.pdf.

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ProBonoOregon Listserv Now Open

By Lori Alton, Oregon Law Center.

ProBonoOregon is an email listserv system that lets attorneys review pro bono opportunities in the Portland metro area every Thursday. This direct placement system allows attorneys to easily review opportunities from a wide variety of agencies, including the Oregon Law Center (Portland office), Community Development Law Center, Oregon Advocacy Center, Catholic Charities Immigration Program and the Legal Aid Services of Oregon offices serving Multnomah, Washington, Yamhill, Columbia, Tillamook, Clatsop, Clackamas, Hood River, Sherman, and Wasco counties. As varied legal issues are posted, pro bono attorneys can choose a case in a particular area and at a time that works for them. Attorneys join the listserv by going to, registering with the website and following the ProBonoOregon sign-up links.

Every Thursday, registered attorneys receive emails listing basic information about pre-screened pro bono opportunities. The format of the message is brief and standardized, allowing attorneys to easily review the listings for cases of interest. When attorneys are interested in pursuing a pro bono case, they contact the listing agency directly using the information provided in each pro bono case offering.

Designed and tested with attorneys from local firms, ProBonoOregon has many features that appeal to pro bono attorneys. The number of emails received is limited as agencies only send out one email each week. A firm can decide if it would like all attorneys or a designated individual to receive

the weekly postings. A moderator controls the system, allowing only agencies serving the low-income community to post cases and preventing unscreened solicitations.

There are pro bono offerings to fit most areas of law practice. The system offers opportunities for both transactional attorneys and litigators. Agencies often provide training, mentors or other volunteer support. In addition, ProBonoOregon is hosted at www.oregonadvocates.org, the statewide legal aid website for pro bono and staff attorneys. The website has a variety of materials that are designed to assist pro bono volunteers, such as attorney training materials, client self-help materials and research information.

Sign up now by going to www.oregonadvocates.org and become a member of the website. You can then follow the ProBonoOregon sign-up links to register for the listserv. Finally, we would like to thank Tonkon Torp, Davis Wright Tremaine and Miller Nash, for their participation in the listserv pilot project. With their help, we have been able to design a system that is easy to use by pro bono attorneys. If you would like more information about ProBonoOregon or would like to arrange a presentation at your firm about the listserv, please contact Lori Alton at the Oregon Law Center, 503.473.8326 or lorialton@yahoo.com.

The Justice Gap in America

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

A national study conducted by the Legal Services Corporation (LSC) in 2005 concluded that at least 80% of the civil legal needs of low-income Americans are not being met. It also found that 50% of the eligible people seeking assistance from LSC-funded programs in areas in which the programs provide service are being turned away for lack of program resources. The following is excerpted from a summary of the study.

The LSC is a nonprofit corporation created by Congress in 1974. LSC distributes federal funds to legal aid programs in every state to provide civil legal services to the poor. In September 2004, the bipartisan LSC Board of Directors asked LSC staff to document the extent to which civil legal needs of low-income Americans are not being met, taking into account both LSC-funded services and non-federal resources. LSC conducted a year-long study culminating in the report entitled, "Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans."

The study used three different methodologies to examine this issue. First, LSC asked its grantees over a two-month period (March 14, 2005 to May 13, 2005) to document the potential clients that came to their offices that the programs could not serve due to lack of resources. Legal Aid Services of Oregon (LASO) participated in this survey. Second, it carefully analyzed the nine studies undertaken over the last five years in individual states about the civil legal problems faced

by their low-income residents, examining them for nationally applicable conclusions as well as comparing the results to the 1994 ABA national study on the subject. Finally, it totaled the number of legal aid lawyers (those in both LSC and non-LSC funded programs) and compared that to the total number of attorneys providing civil legal assistance to the general population.

All three methodologies demonstrate that there is a serious justice gap; that is, a significant shortage of civil legal assistance available to low-income Americans. The LSC "Unable to Serve" study, the first comprehensive national statistical study ever undertaken relating to legal services, established that for every client who receives service, one applicant was turned away, indicating that 50% of the potential clients requesting assistance from an LSC grantee were turned away for lack of resources on the part of the program. As LSC grantees counted only potential clients who were both eligible for service and whose legal need fit within the grantee's case priorities, this study understated the amount of unmet need.

The nine recent state studies demonstrated that less than 20% of the legal needs of low-income Americans were being met. Oregon's Legal Needs Study in 2000 was the earliest of these statewide studies and became a model for many of the subsequent studies used in the LSC report. Eight of the nine studies, including Oregon's, found an unmet legal need greater than 80%.

Finally, the LSC report added up the number of legal aid attorneys serving the poor, compared that to the LSC-eligible population, and found that there is one legal aid attorney for 6,861 low-income persons nationwide. By contrast, the ratio of attorneys delivering civil legal assistance to the general population is approximately one for every 525 persons, or 13 times more. Oregon's ratios are similar - approximately 1/6,600 vs. 1/340. Legal aid attorneys serve about 20% of the state's population, yet comprise less than 1% of the active bar.

Although state and private support for legal assistance to the poor has increased nationally in the last two decades, level (or declining after factoring in inflation) federal funding and an increased poverty population have served to increase the unmet demand. Assuming that state and private funding increases keep pace, it will take at least a five-fold funding increase for LSC to meet the documented need for legal assistance, and a doubling of LSC's current level of basic field funding just to serve those currently requesting help.

The analysis for the report was concluded in August 2005. Consequently, none of the data in the report reflects the increased need for legal assistance that will result from the impact of Hurricanes Katrina and Rita by a greatly expanded client-eligible population, not only in the states where the hurricane struck, but also across the nation where evacuees have been relocated. Disasters of this magnitude highlight the critical need for civil legal assistance and reaffirm the need for long-term adequate funding.

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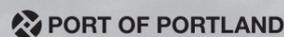
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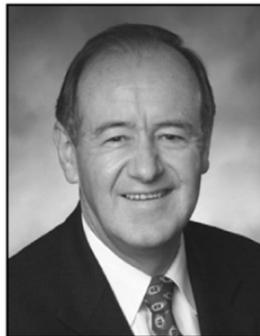
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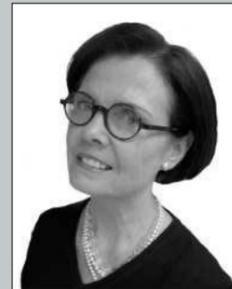
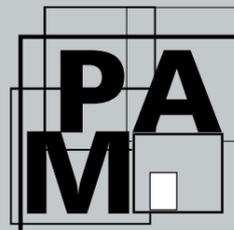
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Eligibility

- Any MBA practicing attorney member,

except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award. Former nominees may be re-nominated.

- The recipient should exemplify, not simply meet, the standards in the MBA Professionalism Statement.

- The award is intended to recognize and honor personal and professional qualities, reputation and conduct.
- The recipient should be a role model for other attorneys, particularly younger MBA members.
- An appreciation of diversity in the

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