



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

100TH ANNIVERSARY

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

1906 - 2006

May 2006 Volume 52, Number 5



From the President

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

Resolution No. 06-033

The Multnomah County Board of Commissioners Resolves:

1. The Board of County Commissioners desires to meet its statutory obligations under ORS 1.185 and move forward with all due speed to address the needs

of the Fourth Judicial District Circuit court. It is the Board's intent to acquire a site as the first step towards constructing a new facility for the Fourth Judicial District Circuit Court in, or in proximity to, downtown Portland's Government Center area by December 31, 2006.

2. Facilities and Property Management Division is directed to prepare and submit to the Board a Preliminary Planning Proposal for site acquisition within 60 days.

ADOPTED this 23rd day of March, 2006

Resolution No. 06-038

The Multnomah County Board of Commissioners Resolves:

1. The Board of County Commissioners desires to meet its facility obligations. It is the Board's intent to acquire a site within the city limits of Gresham, for an East County Justice Facility.

2. FPM is directed to return to the Board within 60 days with a Project Plan and site proposals that will meet the needs of Multnomah County.

ADOPTED this 30th day of March, 2006

Someday, while standing on the steps of a new county courthouse, we may look back on March 2006 as the month when it all began to take shape. The Multnomah County Board of Commissioners has declared its intent to acquire a downtown site by year's end. The commission has given every indication that it is serious about exercising its power of eminent domain as a last resort if necessary to keep the courthouse on Government Center. Time will tell, of course, but I am encouraged.

As reported in my last column, the MBA Board resolved on March 7 to support the resolution sponsored by Commissioners Naito and Rojo de Steffey, including its reference, omitted above, to the county's power of eminent domain and to the use of that power if necessary to keep the courthouse downtown.

The March 23 vote was four to one, with only Commissioner Roberts a reluctant "nay" (more on that below). The county facilities department will present a plan on May 25 to acquire a site before the end of the year.

I testified on behalf of the association in support of the March 23 resolution, but I was by no means alone. Also appearing in support were the Honorable Dale Koch, Presiding Judge of the Multnomah County Circuit Court, District Attorney Michael Schrunck and attorney Carl Hodges. These gentlemen all have been working for new courthouse facilities for many years. Indeed, the District Attorney observed that he had probably served on nearly all of the numerous blue ribbon committees and task forces since 1968 that have studied and confirmed the need for a new courthouse. Amazingly, the March 23 resolution, which admittedly calls only for a "Preliminary Planning Proposal," is the closest the county has come to taking real action to replace our

courthouse. The association will continue to do whatever it can to see this critical goal realized.

Commissioner Roberts voted "no" on the March 23 resolution with some regret. He has consistently supported a new courthouse downtown. But the project of greatest concern to his constituency is the East County Justice Facility. Commissioner Roberts' vote was a protest over the lack of progress on the ECJF. I have previously written in support of the ECJF and so I sympathized with Commissioner Robert's position and understood the reasons for his vote.

While there has been general support on the board for new courtroom facilities in Gresham, the multi-function "hub" concept of the ECJF has been short one vote for several months. That apparently changed on March 30. A resolution sponsored by Commissioner Roberts, quoted above, passed on a three to two vote. Commissioners Roberts and Linn, both long-standing supporters, were joined by Commissioner Rojo de Steffey in calling for a Project Plan and site proposals for an East County Justice Facility. Much remains to be done, obviously, before the ECJF opens its doors. But compared to the financial challenges that must be overcome to actually build a new courthouse downtown, the ECJF is practically paid for. The money is there, from the sale of other facilities in the county's inventory.

Continued on p. 4

**The Multnomah Bar Association
100th Anniversary Celebration
and Annual Meeting
May 13, 2006**

An evening celebrating *A Century of Service*
and envisioning the future

Saturday, May 13, 2006
Seven o' clock to Midnight

Portland Art Museum
Grand Ballroom
1219 SW Park Avenue

Art viewing, hearty hors d'oeuvres,
dessert, champagne toast and dancing

- 7:00-8:30 pm Music by Stolen Sweets
- 7:30-9:30 pm Hearty hors d'oeuvres
- 7:00-9:00 pm NW Center for Contemporary and Modern Art open for viewing
- 8:30-9:00 pm Short program with speaker Jack Faust
- Video presentation
- Passing of the gavel
- Donor and event sponsor recognition
- 9:00 pm Champagne toast and dessert
- 9:00 pm-Midnight Dancing to the Swingline Cubs

Dressy attire or period costumes
For more details, please call the MBA at 503.222.3275.

Premier Event Sponsor

The Naegeli Reporting Corporation
Producer of the MBA 100th
Anniversary Video

HMH Crisis Communications
LexisNexis
Nationwide Process Service, Inc.
Northwest Employee Benefits, Inc.
Preston Gates & Ellis
Professional Liability Fund -
Excess Program
Tsongas Litigation Consulting

Major Event Sponsors (\$2,500)

Pacific Legal
Washington Trust Bank

Event Sponsors (\$1,000)

DJC Newspaper & Commerce
Magazine
Gevurtz Menashe Larson & Howe

Contributors (\$500)

Oregon State Bar
Providence Health Care

MULTNOMAH BAR ASSOCIATION
620 SW FIFTH AVE., SUITE 1220
PORTLAND, OREGON 97204

PRSR STD
U.S. POSTAGE
PAID
PORTLAND, OR
PERMIT NO. 00082

MBA CLE

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

May

Tuesday, May 2

Annual Probate Update
Hon. Elizabeth Welch

Wednesday, May 24

Mandatory Arbitration Training
Hon. Edward J. Jones
Bill Gibson
Eric Neiman
Nancie Potter

Wednesday, May 31

Recognizing and Handling the
Impaired Attorney
Calvin Souther
Meloney Crawford Chadwick

June

Tuesday, June 6

Serving the Board of a
Nonprofit Organization
Protecting Yourself and Your
Client
Elizabeth Grant
Scott Howard
Jeffrey C. Thede

Wednesday, June 7

War Stories: Representing
"Enemy Combatants"
Lessons from Guantanamo Bay
for Every Practitioner
Steve Wax
Tom Johnson

Monday, June 12

Mandatory Arbitration Training
Hon. Edward J. Jones
Bill Gibson
Eric Neiman
Nancie Potter

Wednesday, June 14

Charitable Giving and the Sale
of the Closely Held Business
A Case Study
Jason R. Orme
Joseph Wetzel

In This Issue

Announcements..... p. 4
Ethics Focus..... p. 4
The Corner Office..... p. 6
Tips From the Bench p. 8
Historic Pullout Section
News From the Courthouse.. p. 8
YLS..... p. 10
Classifieds..... p. 14
100th Community Gift Fund.. p. 16

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

BOARD OF DIRECTORS

MBA Board of Directors

President
Kelly T. Hagan

President-Elect
Peter H. Glade

Secretary
Thomas W. Brown

Treasurer
Nancie K. Potter

Past President
Sylvia E. Stevens

Directors

Eric Waxler
YLS President

Lori E. Deveny
ABA Delegate

Simeon D. Rapoport

Helen T. Smith

Agnes Sowle

Diana I. Stuart

Michael H. Bloom

Michael Dwyer

David A. Ernst

Christine M. Meadows

Executive Director
Judy A.C. Edwards

Director, Member Services
Guy Walden

Director, Events and Programs
Kathy Maloney

Administrator, Member Services and Events
Noëlle Saint-Cyr

Administrator, Accounting and Office
Renee "Max" Maxwell

Executive Assistant
Carol Hawkins

THE MULTNOMAH LAWYER is published 11 times per year by the Multnomah Bar Association, 620 SW Fifth Ave. Ste. 1220, Portland, OR 97204 503.222.3275

An annual subscription is included in member dues or may be purchased for \$20. Letters, award and news items, and announcements are welcome. Articles by members are accepted. All submissions may be edited for length, clarity and style, are published on a space available basis, and at the editor's discretion. Views expressed in articles represent the authors' opinion, not necessarily the MBA's. The publication does not purport to offer legal advice.

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.

NEWSLETTER STAFF CONTACTS

Editor: Judy Edwards

Display Advertisement:
Renee "Max" Maxwell

Copy and Classified Advertisement:
Carol Hawkins

Design: Cyrano Marketing Solutions

www.mbar.org



Don Jacobs knows Washington courts.

For over 25 years, Vancouver attorney Don Jacobs has represented plaintiffs in Washington and Oregon. He is available to help with your Washington cases.

Vancouver 360-695-1624
Portland 503-222-7757
don@nwinjurylawcenter.com
www.nwinjurylawcenter.com



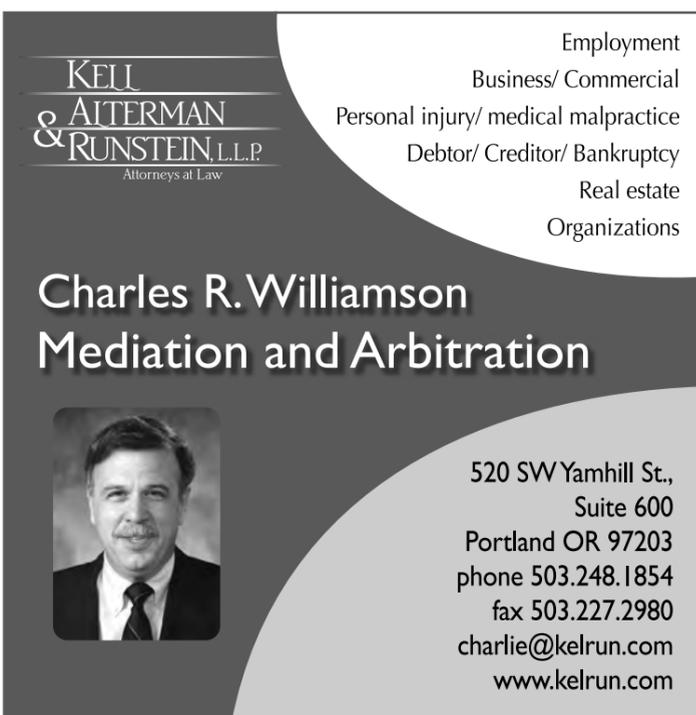
BARKER
ARBITRATION & MEDIATION

Mediation that Works
Arbitration by the Rules

■

JOHN BARKER
E-mail: jbarkermediation@aol.com
Phone: 503-227-6300
Fax: 503-220-4224
1000 SW Broadway, Ste 1700 ■ Portland, OR 97205

CHECK AVAILABLE DATES AND SCHEDULE ONLINE AT
WWW.BARKERMEDIATION.COM

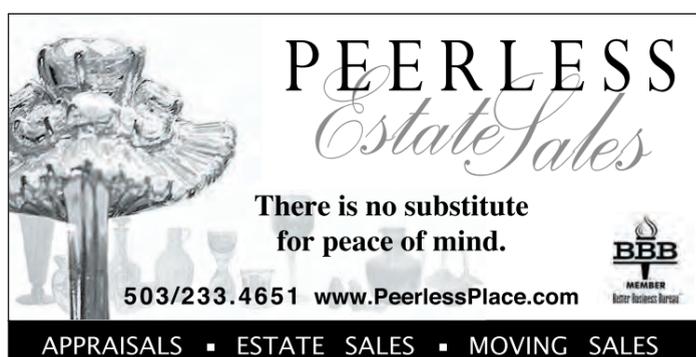


KELL & AITERMAN & RUNSTEIN, L.L.P.
Attorneys at Law

Employment
Business/ Commercial
Personal injury/ medical malpractice
Debtor/ Creditor/ Bankruptcy
Real estate
Organizations

Charles R. Williamson
Mediation and Arbitration

520 SW Yamhill St.,
Suite 600
Portland OR 97203
phone 503.248.1854
fax 503.227.2980
charlie@kelrun.com
www.kelrun.com



PEERLESS
Estate Sales

There is no substitute
for peace of mind.

503/233.4651 www.PeerlessPlace.com



APPRAISALS ■ ESTATE SALES ■ MOVING SALES

MEDIATION & ARBITRATION

Creativity • Experience • Results



J. MICHAEL DWYER
LISA ALMASY MILLER

DWYER & MILLER LLP
ATTORNEYS AT LAW

503.241.9456

michael@dwyermiller.com
lisa@dwyermiller.com

K N O L L M E D I A T I O N

Mediation & Arbitration

- Experience
- Integrity
- Solutions

James L. Knoll, P.C.
ATTORNEY AT LAW
503.222.9000

1500 SW Taylor Street • Portland, OR 97205
fax 503.222.9003 e-mail jim@knollmediation.com
www.knollmediation.com

Asher Portfolio Advisors, Inc.
Over 20 years of experience working with Qualified Retirement Plans

See what can happen when you remove financial bias from the fund selection process.

Services provided on a flat fee or hourly basis.

Steve Mehlig

asherport@comcast.net . (503) 524-4230

NEW ON THE SHELF

By Jacque Jurkins, Multnomah Law Librarian.

AN INTERPRETIVE GUIDE TO THE GOVERNMENT IN THE SUNSHINE ACT, 2d ed. by Richard K. Berg, Stephen H. Klitzman and Gary J. Edles. Published by the ABA Section of Administrative Law and Regulatory Practice, 2005. (KF 5105.5 B47)

A PRACTICAL GUIDE TO SOFTWARE LICENSING FOR LICENSEES AND LICENSORS: Analyses and model forms by H. Ward Classen. Published by the ABA Section of Business Law, 2005. (KF 3024 C6 C56)

THE FEDERAL INFORMATION MANUAL: How the government collects, manages, and discloses information under FOIA and other statutes by P. Stephen Gidiere. Published by the ABA Section of Environment, Energy and Resources Book Publication Committee, 2006. (KF 5753 G53)

ETHICAL CHALLENGES AND LEGAL PRACTICE: Recent developments by Stephen Gillers; Child abuse reporting by Rene C.

Holmes; and Immigrants in court, culture counts. The 18th Annual ethics CLE. Course materials from the Oregon Law Institute, November 4, 2005 program in Portland. (*KF 308 O7 G55)

HANDBOOK OF FEDERAL EVIDENCE, 6th ed. by Michael H. Graham. Published by Thomson/West, 2006. (KF8935 G73h 2006)

JUDGE FOR YOURSELF: Clarity, choice, and action in your legal career by Miriam Bamberger Grogan and Heather Bradley. Published by the ABA, 2006. (KF 297 G76)

THE MERGER REVIEW PROCESS: A step-by-step guide to US and foreign merger review, 3d ed. edited by Ilene K. Gotts. Published by the ABA Section of Antitrust Law, 2006. (KF 1655 M45 2006)

THE DISCOVERY REVOLUTION: E-discovery amendments to the federal rules of civil procedure by George L. Paul and Bruce H. Nearon.

Published by the ABA Section of Science and Technology Law, 2006. (KF 9650 P38)

TELECOMMUNICATION AGREEMENTS FOR COMMERCIAL BUILDINGS: What every real estate lawyer should know by Ajay Raju. Published by the ABA Section of Real Property, Probate, and Trust Law, 2005. (KF 2765 R35)

THE LAWYER'S GUIDE TO EFFECTIVE YELLOW PAGES ADVERTISING, 2d ed. by Kerry Randall and Andru J. Johnson. Published by the ABA Law Practice Management Section, 2005. (KF 310 A3 R35 2005)

RECOVERY FOR WRONGFUL DEATH AND INJURY, 4th ed. by Stuart M. Speiser and James E. Rooks. Published by Thomson/West, 2005. (KF 1260 S66 2005)

IMMIGRATION LAW AND PROCEDURE IN A NUTSHELL, 5th ed. by David Weissbrodt and Laura Danielson. Published by Thomson/West, 2005. (KF4819.3 W45 2005)

CALENDAR

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

May

May 1-5
Monday-Friday, CourtCare Fundraising Campaign
A Jungle Gym in the Jungle

May 1-6
Monday-Saturday, Community Law Week
Visit www.mbabar.org for details.

1
Monday, YLS PDE Seminar
Visit www.mbabar.org for details.

2
Tuesday, MBA Board meeting

Tuesday, MBA CLE
Annual Probate Update
See insert or register at www.mbabar.org.

5
Friday, YLS Employment Law CLE Series continues (through May 25)
Visit www.mbabar.org for details.

8
Monday, YLS PDE Seminar
Visit www.mbabar.org for details.

9
Tuesday, YLS Board meeting

10
Wednesday, June *Multnomah Lawyer* deadline

13
Saturday, MBA 100th Anniversary Celebration at Portland Art Museum
Visit www.mbabar.org for details.

18
Thursday, MBA Golf Tournament at Heron Lakes Golf Course
See insert or register at www.mbabar.org.

18-20
Thursday-Saturday, ABA YLD Conference in Portland
Visit www.abanet.org/yld/spring06 for details.

24
Wednesday, Multnomah Bar Foundation Board meeting

Wednesday, MBA CLE
Mandatory Arbitration Training
See insert or register at www.mbabar.org.

25
Thursday, MBA Judicial Brown-Bag Session
See p. 9 for details.

29
Monday, Memorial Day
MBA office closed.

31
Wednesday, MBA CLE
Recognizing and Handling the Impaired Attorney
See insert or register at www.mbabar.org.

Wednesday, MBA East County Social
See Announcements for details.

June

3
Saturday, YLS Board Retreat

6
Tuesday, MBA CLE
Serving on a Nonprofit Board
See insert or register at www.mbabar.org.

7
Wednesday, MBA CLE
Lessons from Guantanamo Bay
See insert or register at www.mbabar.org.

9
Friday, July/August *Multnomah Lawyer* deadline

12
Monday, MBA CLE
Mandatory Arbitration Training
See insert or register at www.mbabar.org.

13
Tuesday, MBA Golf Tournament at Riverside Country Club
See insert or register at www.mbabar.org.

16-17
Friday-Saturday, MBA Board Retreat



Jeff Batchelor

Mediator and Arbitrator

Listed in *The Best Lawyers in America*[®]
for Alternative Dispute Resolution
and Appellate Law

503.295.3085 JeffBatchelor@MHGM.com www.MHGM.com

MARKOWITZ · HERBOLD · GLADE & MEHLHAF · PC



Best wishes to our friend and former partner, Jeffrey A. Johnson, who is now Executive Vice President and General Counsel for Wilson Construction Company.



CVK
COSGRAVE VERGEER KESTER LLP
ATTORNEYS

HODGES DISPUTE RESOLUTION

Arbitration and Mediation

Commercial and Real Estate Disputes

Experience,

Impartiality,

...Integrity



Carlton W. Hodges

Attorney at Law

503.223.3690

chodges@hevanet.com

1000 SW Broadway,

Suite 1770

Portland, OR 97205

Fax: 503.542.4490

Ethics Focus

By Mark J. Fucile, Fucile & Reising.

The Long View of Legal Ethics

I work in a building that, like the MBA, turned 100 years old this year. It has many traditional qualities - red brick walls, exposed timber beams and arched windows. At the same time, except for our law firm and an Irish bar, all of the tenants are cutting edge web or other high tech firms. The legal ethics rules are like my building. They have a traditional foundation but have evolved over the years to fit the changing times and demands of the practice of law.

Not too long after the MBA was founded in 1906, the ABA issued the first national set of model ethics rules, the Canons of Professional Ethics, in 1908. They were influential and were eventually adopted with variations in most states, including Oregon. Not too long before the MBA celebrates its 100th anniversary, the ABA adopted a new set of model rules in 2002 and 2003. Like the canons, the ABA's Model Rules of Professional Conduct remain influential and are being adopted with variations in most states, including Oregon. Comparing the ABA Canons with the new Oregon RPCs is a bit like taking a walking tour of my building: the foundations remain while the "tenants" reflect the dynamics of our times.

As for the foundations, let's look at three: conflicts, confidentiality and candor.

Canon 6 dealt with conflicts and, like modern day RPC 1.7, prohibited lawyers from taking on conflicting representations except where the clients involved had consented after disclosure of the conflict. In doing so, both Canon 6 and RPC 1.7 reflect the same bedrock fiduciary principle: we owe our clients a duty of loyalty.

Canon 6 also addressed confidentiality and, like current RPC 1.6, enjoined lawyers from revealing their clients' secrets and confidences. Although Oregon abandoned the terms "secrets" and "confidences" with the move to the RPCs last year, those concepts are still effectively part of our current rules by the way RPC 1.6 and 1.0(f) define the information we are to protect in terms of material protected by the attorney-client privilege and other information "that the client has requested be held inviolate or the disclosure of which would be embarrassing or would likely be detrimental to the client." Again, both the canons and the RPCs reflect a central fiduciary principle: we owe our clients a duty of confidentiality.



Canon 22 offered succinct advice on candor: "The conduct of the lawyer before the Court and with other lawyers should be characterized by candor and fairness." Those same concepts are now found in RPCs 3.3, which deals with candor toward courts, 4.1, which addresses truthfulness in statements to others, and 8.4(a)(3), which prohibits dishonest conduct. Again, both the old and the new rules reflect the same key fiduciary principle: the duty of honesty.

Some things, of course, have changed and like the web companies in my 100 year old building, reflect our contemporary economy and society. The lawyer advertising rules, for example, have changed significantly. Canon 27 generally prohibited all advertising and Canon 28 prohibited "stirring up litigation." RPC 7.1 through 7.5 still contain some restrictions on lawyer advertising, but they permit a broad spectrum of lawyer marketing ranging from Web sites to newspaper ads. Multijurisdictional practice is another good example. There is no mention of it in the canons. RPC 5.5 (and its counterparts around the country based on the analogous ABA Model Rule) now permits temporary practice across state borders in a wide variety of practice settings.

The original canons concluded with an interesting rule: "The Lawyer's Duty in Its Last Analysis." It, in turn, concluded: "[A]bove all a lawyer will find . . . highest honor in a deserved reputation for fidelity to private trust and to public duty[.]" That's still good advice a century later.

Mark Fucile is a partner at Fucile & Reising, where he handles professional responsibility, regulatory and attorney-client privilege matters and law firm related litigation. He may be reached at 503.224.4895 and Mark@frllp.com.

ANNOUNCEMENTS

East County Spring Drop-in Social at Gresham Typhoon!

This after-hours member event is on Wednesday, May 31, 5:30-7 p.m. Drop in for a visit with your colleagues.

Volunteer Lawyers Needed for Classroom Law Project

The first MBA 100th Anniversary Gift Fund grant is going to the Classroom Law Project's "We the People" program, which will be expanded to four new schools for the next school year. Attorney volunteers are needed to help make the program successful. The volunteers will work with high school students at Parkrose and Franklin High Schools. Attorney volunteers are also needed for middle school programs that are being created. The curriculum materials focus on landmark US Supreme Court cases, the constitutional convention, responsibilities of US citizens and the philosophers Locke and Montesquieu. Please contact Marilyn Cover or Emily Kropf at Classroom Law Project for more details, office@classroomlaw.org or 503.224.4424.

Queens Bench

On May 9, Katherine O'Neil, OWLS past president and current ABA House of Delegates member, will speak at the annual New Members' Luncheon. For more information, please contact Barbara Smythe at barbara@barbarasmythe.com or Nicole DeFever at nicole@defever.com

OWLS Award

Oregon Women Lawyers is looking for a legal employer that has truly shattered the glass ceiling by creating a healthy work environment that enables women and minorities to advance in their careers and achieve a healthy work-life balance. The professional association is seeking nominations for its new Workplace Leader Award.

The Workplace Leader Award will recognize a legal employer who is making innovative and effective efforts to promote any of the following values:

- a healthy balance between work and life;
- acquiring and maintaining a diverse workforce; and
- maximizing opportunities for women and minorities to succeed in the workplace and advance to positions of influence and leadership.

Nominations for the Workplace Leader Award will be taken through June 1, 2006 and should be sent to Leslie O'Leary at Williams Love et al, loleary@wdolaw.com.

For information about the award or about Oregon Women Lawyers, call 503.595.7826 or visit www.oregonwomenlawyers.com.

United States District Court, District of Oregon

Public Notice: Appointment of a Full-Time United States Magistrate Judge in Medford, Oregon.

On February 28, 2007, Judge John P. Cooney will retire as a United States Magistrate Judge for the District of Oregon and the Judicial Conference of the United States has authorized the appointment of a full-time United States magistrate judge to fill the vacancy. Applications must be submitted by potential nominees and physically received in Portland Clerk's Office location not later than 4:30 p.m. on Friday, June 2, 2006.

For position details and an application form, go to www.ord.uscourts.gov.

President's Column

Continued from p. 1

in the elimination of deferred maintenance costs, and other savings. All that is needed is the political will to make it happen.

I have been critical in this space of the political obstacles to a county-wide courtroom solution. It therefore is only fair to commend the board for its recent successes in pulling

together to address the needs of the justice system and the community it serves. Please join me in extending a hearty "congratulations" to our county commissioners.

[Mention your MBA membership to receive a premium discount!]

THE ROLE OF THE NERVOUS LIAR WILL BE PLAYED BY *himself*.



[INTRODUCING THE *VOICE FILE*]

Bring your testimony to life with a Voice File, the newest litigation reporting tool. Relive every nervous stutter, heart-felt sob and angry outburst. Convince the jury by letting them hear it exactly as it was spoken. Prove your case not with your words, but with theirs. Voice File. It's free and just one more first from Naegeli Reporting. We're serious about our role as the Northwest's leader in litigation reporting services.

A Professional Partner with the
Multnomah Bar Association

Naegeli
REPORTING
CORPORATION

www.naegeli-reporting.com
(800)528-3335

PORTLAND, OR
(503)227-1544

SEATTLE, WA
(206)622-3376

SPOKANE, WA
(509)838-6000

COEUR D'ALENE, ID
(208)667-1163

Court Reporting

Trial Presentation

Videography

Videoconferencing



RAISING THE BAR ON LEGAL FINANCIAL SERVICES.

BANK OF THE CASCADES PROFESSIONAL BANKING GROUP



You work for your clients' best interests. So do we. That's why our team of bankers work hard to make the most of your funds. We partner with you to provide solutions that maximize opportunities while minimizing risk. And because we offer a unique brand of personalized banking for legal professionals, you get the expert advice and support you need.

We're proud to provide Member Benefits, thanks to the Multnomah Bar Association, and to collaborate and participate in your community.

Contact **Ellen Bourne** at ebourne@boc.com or www.boc.com to learn more.



COMMERCIAL BANKING • BUSINESS BANKING • PERSONAL BANKING • WEATHER • ENERGY • HOMEOWNERS • COMMERCIAL REAL ESTATE • INVESTMENT SERVICES

The Corner Office

As most of you know, the MBA has published a Statement of Professionalism that it hopes lawyers in this county will adopt and follow. While it is relatively easy for lawyers and judges to profess that they subscribe to these precepts, the true test of a lawyer's professionalism lies in his or her ability (and willingness) to adhere to them during the many moments in each day when the lawyer communicates orally or in writing with opposing counsel, judges and even the lawyer's own client. What the lawyer says (or does not say) and how the lawyer says it becomes, in many ways, a measure of the lawyer's professionalism.

To simply read the Statement of Professionalism and profess a willingness to abide by that statement is not enough. To truly appreciate how they should apply in everyday situations, a lawyer needs to spend some time thinking about those situations and how to reconcile the conflicting motivations and pressures that come into play. Sometimes it is important for lawyers to analyze their behavior norms and professionalism to help them perceive ways in which they can improve. That is the challenge of this month's *Corner Office* article.

Two factual scenarios are presented below, followed by a series of questions that are raised in the scenario. Take some time with your partners, associates, or those with whom you share an office and discuss these issues. Then, send your answers to the questions to the MBA office and the MBA Professionalism Committee will try to develop a summary of your responses as well as our own impressions. The results will then be published in an upcoming issue of the *Multnomah Lawyer*. In other words, it's your turn to tell us what professionalism means to you.

SCENARIO 1

Julie Jordan is asked to defend a new suit filed against her client, Challenge Corp. After reviewing the file, it appears clear to her that three witnesses are critical. All of

them, however, are non-parties and all of them reside in another city out of Oregon. On Tuesday morning, Julie telephones all three and determines that they can be available for depositions on the following Monday and Tuesday. She learns that none of them has yet been contacted by the plaintiff's attorney, Hank Hammer. Julie therefore "schedules" all three witnesses for depositions on Monday and Tuesday, arranges for them to be served with subpoenas (to insure that they will show up), and then sends out a formal notice of depositions, by regular mail to Hank. Hank receives the notice on Thursday and discovers that he already has court appearances for Monday and Tuesday.

Should Hank call Julie, or move for a protective order immediately?

Is sending out notices of depositions without prior discussion with opposing counsel the professional thing to do?

Assume that the number of days of notice given to Hank was proper under the applicable Rules of Procedure. Does this satisfy Julie's professional responsibilities to Hank?

Suppose both Julie and Hank dig in their heels with Julie insisting that the depositions proceed as scheduled and Hank refusing to alter his own schedule or send another lawyer in his stead. What are the potential consequences for the remainder of the litigation?

SCENARIO 2

Steve Stickler and Bruce Boggins have been negotiating the sale of the stock of Eureka Enterprises for many weeks and the negotiations have been frustrating, especially for Steve, who represents the sellers. Numerous drafts have gone back and forth, with Bruce's clients (the buyers) invariably asking for changes and additions. Steve therefore erupts when Bruce calls and says that his clients now want to add still another restriction on the post-sale activities of the sellers. Bruce then suggests a way

of making his request more palatable to Steve's clients: Bruce will retype the current draft, add the new restrictions and then have his clients sign the revised draft before he sends it to Steve. Steve's clients will thus be assured that this is it, and that all they have to do in order to close the deal is sign the revised draft.

Steve agrees. Bruce then sends him a new draft, signed by Bruce's clients. Steve reviews it, notes that

all of the minor changes that he and Bruce agreed to have been made, and calls in his client. Steve failed to notice that this signed agreement does NOT include the additional post-sale restriction that Bruce had asked for. His clients DO note the omission (after Steve has related to them his conversation with Bruce) and are immediately eager to sign the agreement AS IS.

Continued on p. 11

MEDIATION AND ARBITRATION SERVICES

DAN O'LEARY
1300 SW FIFTH AVENUE
SUITE 2300
PORTLAND, OR 97201
503-223-2671
503-778-5203

CIVIL LITIGATION IN ENVIRONMENTAL, EMPLOYMENT, TORT, INSURANCE AND LABOR

JEFFREY FOOTE - MEDIATION

TORT LITIGATION
BUSINESS and COMMERCIAL DISPUTES
ENVIRONMENTAL DISPUTES
30+ YEARS EXPERIENCE IN CIVIL LITIGATION
AVAILABLE IN OREGON and WASHINGTON

Telephone 503-228-1133
Fax 503-228-1338
e-mail: jfoote@footealaw.com

FOOTE WEBSTER, P.C.
Attorneys at Law

1515 SW 5th Avenue
Suite 808
Portland OR 97201

JOHN H. HOLMES
MEDIATOR & ARBITRATOR

Experienced • Impartial • Effective

One Southwest Columbia
Suite 1600
Portland, Oregon 97258
(503) 226-6400
fax (503) 227-8629
mediatejh@msn.com

Member USA&M of Oregon Panel

A full time neutral with practice limited to mediations and arbitrations

RICHARD G. SPIER

ARBITRATOR & MEDIATOR

Highly experienced,
full-time neutral

- Business & commercial;
personal injury; employment;
real estate & construction

Listed for Alternative
Dispute Resolution in
*The Best Lawyers in
America*® 2006
(© 2005 by Woodward/White, Inc.,
of Aiken, SC)

503-284-2511
Fax 503-284-2519

rspier@spier-mediate.com
www.spier-mediate.com

WILSON DISPUTE RESOLUTION

O. M. (Met) Wilson Jr.
Mediation / Arbitration
of Business and
Commercial Disputes in
Oregon and Washington

- Banking/Finance
- Business Torts
- Contracts
- Real Estate
- Securities
- Transportation

Ph: 503.972.5090
Cell: 503.784.8661
Fax: 503.972.5091
1211 SW Fifth Ave, Suite
2950, Portland, OR 97204
www.wilsonadr.com
met@wilsonadr.com

Sam Imperati, JD
Mediator

Business, Employment,
Real Estate & Tort Cases

TIPS

Multnomah County SLR 12.025
allows parties to mediate cases
under \$50K as a substitute for
"mandatory" arbitration.

Additionally, mediation fulfills
the SLR 7.075 ADR requirement
if you file a certificate within 270
days of filing the lawsuit.

**Institute for
Conflict Management, Inc.**
(503) 244-1174
SamImperati@comcast.net

WILLIAM F. SCHULTE

**Mediation
Settlement Conferences
Reference Judge**

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:
(503) 223-4131
FAX: (503) 223-1346
wschulte@schulte-law.com

YM & A
YATES, MATTHEWS & ASSOCIATES, P.C.
ATTORNEYS AT LAW

We are pleased to welcome as an associate

Sarah Brown-Heimbucher

Former associate of Garland Law Offices, P.C.
and former Judicial Clerk to
The Honorable Thomas J. Rastetter

Umpqua Bank Plaza
One S.W. Columbia
Suite 1800
Portland, Oregon 97258
Phone: 503-224-7077
Fax: 503-224-8080

Sarah Brown-Heimbucher
Kristin W. Eaton
Jeffrey S. Matthews
Michael A. Yates

JoAnn B. Reynolds
(Of Counsel)

Practice limited to family law
www.yatesmatthews.com

1906, 1907, 1908, 1909, 1910,
1911, 1912, 1913, 1914, 1915,
1916, 1917, 1918, 1919, 1920,
1921, 1922, 1923, 1924, 1925,
1926, 1927, 1928, 1929, 1930,
1931, 1932, 1933, 1934, 1935,
1936, 1937, 1938, 1939, 1940,
1941, 1942, 1943, 1944, 1945,
1946, 1947, 1948, 1949, 1950,
1951, 1952, 1953, 1954, 1955,
1956, 1957, 1957, 1958, 1959,
1960, 1961, 1962, 1963, 1964,
1965, 1966, 1967, 1968, 1969,
1970, 1971, 1972, 1973, 1974,
1975, 1976, 1977, 1978, 1979,
1980, 1981, 1982, 1983, 1984,
1985, 1986, 1987, 1988, 1989,
1990, 1991, 1992, 1993, 1994,
1994, 1995, 1996, 1997, 1998,
1999, 2000, 2001, 2002, 2003,
2004, 2005, 2006

THE BAR RAISED THE BAR EVERY YEAR.

◆

**Congratulations to the Multnomah Bar Association
on 100 years of service to justice
from the attorneys and staff at Miller Nash.**

◆

Serving justice in Oregon since 1873.

MILLER | NASH LLP
A T T O R N E Y S A T L A W

Portland | Vancouver | Seattle | 877-220-5858 | www.millernash.com

Tips from the Bench

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

In civil litigation ORCP 43A allows a litigant to serve on another litigant a request for production, seeking whatever documents the requesting party thinks appropriate. ORCP 43B sets forth the procedure for these requests, and provides that the request shall specify a reasonable time for a response.

In my experience, counsel receiving a request for production often takes a casual approach to the “deadline” for production set forth in the Request. This is a big mistake. ORCP 43B provides that one receiving such a request must comply, unless that party objects before the time specified in the request. While this is usually not much of a problem, when a later dispute arises about the scope of the request, if no objection was made before the deadline in the request, one loses the opportunity to object to the scope. I have frequently granted motions to compel production of things that may have arguably not been subject to production when no timely objection was made.

Practice tip: When you need more time to respond to a request for production, agree with the requesting lawyer to an extension of the deadline that was set out in the request. And confirm that agreement with an email or a letter so there will later be no misunderstanding about it. That way, if you later need to object to any specific request, you will not have lost your opportunity to object.

Motions to compel production

When adverse counsel has not responded to your request for production, when is the right time to file a motion to compel production? How many times have you felt like you were “strung along” by adverse counsel, with repeated promises to get you the documents you requested long ago? And now you find yourself up against a trial date, and there may not be enough time for your motion to compel before the trial date.

Practice tip: After a reasonable extension, when the other lawyer is not objecting to what you have requested, and you just need to be able to depend on a deadline for production, you might consider a stipulated order compelling production, which would include whatever deadline you and the other lawyer agreed upon. This approach would avoid a motion to compel, with all the delays associated with the motion process. Then, when the deadline in the stipulated order compelling production has passed, without production, you will be in a position to take whatever next step you think appropriate.



I also suggest that if you think you have to file a motion to compel production, you not wait so long after repeated assurances have gone unfulfilled. You should file your motion to compel at least as early as receive notice of the first trial date. This will give you the time necessary to avoid the last minute rush as a more realistic trial date approaches.

Diagrams and charts - visual aids for the jury in trial

Too often in trial a lawyer will ask a witness to move to the easel in the courtroom and draw a diagram for the jury to illustrate the witness’ testimony. While the jury waits, the witness draws the scene, inserts the street names, etc. And too often under the pressure of the courtroom, the witness does a poor job of drawing the diagram. The witness may mislabel streets, get the direction arrow wrong, or simply forget important details.

The solution to this is for you to have a good diagram prepared before you get to the courtroom. You can show it to your witnesses so they can verify for you in advance that your diagram is accurate. All your witnesses can usually use the same diagram, which help to avoid inadvertent errors.

The same principle applies with numbers you may wish to write on the easel during opening statement or closing argument. Many of you may not have the best handwriting, which is even more troublesome when you are trying to write the numbers on the easel with a lot of people watching. I can’t tell you how many times I have seen lawyers make math errors on the easel in front of the jury. The solution to this is just like the solution to the need for a good diagram of the scene: prepare it before you get to the courtroom.

MBA and YLS Committee Terms Begin July 1

This issue of the *Multnomah Lawyer* includes the committee volunteer form for MBA and YLS Committees. Please return your completed form to the MBA by June 1, 2006.



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

Judicial Vacancy

Judge David Gernant resigned his circuit court position and became a Senior Judge on March 31, 2006. Judge Gernant will continue to sit in Multnomah County as a senior judge until his replacement is in office. Five lawyers have filed for his open position. They are Lane Borg, Julia Philbrook, Cheryl Albrecht, Kathleen Payne and Trung Tu. The League of Women Voters held a Candidates Forum on April 17. The election will be held on May 16.

Courthouse Update

The Multnomah County Commissioners approved a resolution March 23 directing Doug Butler, head of the county’s facilities, to identify and acquire a site for a new downtown courthouse within one year. The ideal site would be near the Justice Center and in the area often referred to as “Government Square.” Two sites the County is

presently interested in are Two Main Place and the Lotus Block.

On March 30, the Multnomah County Commissioners approved a second resolution directing the county to identify and acquire a site for an east county courthouse. This will be a smaller project, and money has already been earmarked from the sale of land in east county. However, there is still an on-going debate among the commissioners and the chair as to whether this will be a courthouse facility only, or a larger justice facility to include space for the sheriff’s law enforcement and support functions relocated from the current Hansen Building offices and perhaps other county offices.

100th Anniversary Celebration

Invitations to the MBA’s 100th Anniversary Celebration on May 13 have been sent to all MBA

members. Tickets are limited and are selling quickly, so send in your ticket request if you wish to participate in this gala event. Visit www.mbabar.org for details.

Judges’ Brown Bag Session

Judge Christopher Marshall will host another judges’ brown bag session on May 25, beginning at noon, in courtroom 708. The fall brown bag was well received by those who attended. The spring session should be equally informative.

Judge Nelson’s Investiture

The investiture for Judge Adrienne Nelson was held at Portland State University on March 23. Many public figures, lawyers and community members attended, including Governor Kulongoski.

Visit from Uzbekistan

The Tashkent Legal Aid Society is one of the few law firms in Uzbekistan that is willing to take on high-profile human rights cases. Ergashev is one of the firm’s best attorneys, gaining notoriety for his defense work in several high profile cases. A former prosecutor, he knows the system extremely well and represents his clients in a sober and professional manner.



L to R: Nancy Bergeson, Federal Public Defender
Nancie Potter, MBA Treasurer, Foster Pepper Tooze
Joel Arellano, U of O Class of 2008
Alisher Ergashev, Defense Attorney, Tashkent Legal Aid Society
Vladimir Motalygo, US Interpreter

MBA Equality Committee Panel Meets with Jefferson Students

By Keith Garza, Tri-Met and MBA Equality Committee member.

In February, with a book of American historical documents on the line, two classes of senior government classes at Jefferson High School ventured guesses as to which Founding Father is credited with saying that “we are a nation of laws, not men.” After offering a few of the usual suspects – Madison and Franklin – one student answered the challenging question matter-of-factly: “John Adams.” And away the book went.

So began a panel discussion about careers in the law, sponsored by the MBA Equality Committee. About 50 students attended the February 8 presentation, with Equality Committee member Keith Garza peppering the panel of three lawyers with questions about their backgrounds, practice areas and likes and dislikes about life in the law. The panelists were Steven Powers, an Assistant Attorney General with the Department of Justice’s Appellate Division; Jana Toran, the Director of Legal Services for TriMet; and Professor Robert Miller of Lewis & Clark Law School.

The divergent backgrounds and careers of the panelists drove



Professor Robert Miller responds to a question from a student at Jefferson High School during a recent presentation on legal careers sponsored by MBA’s Equality Committee. To Miller’s right are fellow panelists Steven Powers and Jana Toran.

home to the students the fact that, whatever their experiences and circumstances, opportunities for a career in or relating to the law abound. Professor Miller, for example, did not graduate from law school until his forties. Toran left Portland to attend law school in Houston. And, Powers was able to share his experiences working for both the executive and judicial branches of Oregon’s government. The presentation was part of the Equality Committee’s continuing effort to bring practicing lawyers into student populations that traditionally are later under-represented in the legal community with the hope that

more of those students will direct themselves in their studies toward future legal careers.

The presentation ended as it began, by giving away another book, this one a collection of lawyer jokes and witticisms to the student who asked the best question. There were, however, two students who claimed entitlement to the text. The panel, feigning an inability to dispense solomonic justice, put to the students the manner for resolving the dispute. Their response: paper, scissors, rock – best two out of three.

Multnomah Bar Foundation Update

The Multnomah Bar Foundation was formed last year as a charitable and educational nonprofit, 501(c) (3) to receive donations for the MBA 100th Anniversary Community Gift Fund, which is dedicated to promoting civics education and participation. So far, 23 firms, 31 individuals, plus the YLS and MBA have made significant contributions. Thirty-one more members made donations through the dues check-off opportunity. The mission of the foundation is to “promote community understanding and access to the justice system.”



Jeffrey S. Matthews

Board members include Jeffrey S. Matthews, President, Sylvia E. Stevens, Vice President, David A. Ernst, Secretary/Treasurer, Robert J. Neuberger, Immediate Past President. Directors include Ruth A. Beyer, Catherine Brinkman, Michael



Classroom Law Project participants learn and share their experience. Volunteers are needed to work with the expanded program supported by the Multnomah Bar Foundation. Contact the CLP for specifics.

A. Greene, Lynn Nagasako, Hon. Adrienne Nelson, Robert D. Newell, Katherine O’Neil. Penny Serrurier of Stoel Rives generously devoted many hours of time, effort and expertise to complete incorporation and IRS applications and continues to provide counsel.

Strategic plans are underway for fundraising, increasing visibility and obtaining outside grants to compliment the Foundation’s work.

First MBA 100th Anniversary Community Gift Fund Grant

The Foundation has chosen the Classroom Law Project’s “We the People” program for its first grant. The program has been awarded \$25,000 to expand into

four new schools for the next school year. Attorney volunteers, who will work with students at Parkrose and Franklin high schools and two middle schools that feed into them, are needed to help make the program successful. Curriculum materials focus on landmark US Supreme Court cases, the constitutional convention, responsibilities of US citizens and the philosophers Locke and Montesquieu.

Please contact Marilyn Cover or Emily Kropf at Classroom Law Project for more details and if you would like to volunteer, office@classroomlaw.org or 503.224.4424.

MBA Past Presidents Meet

The annual MBA Past Presidents’ Social was held recently at The Hotel Vintage Plaza. It was a great time for everyone to catch up with each other and reminisce.



Peter Glade, MBA President-Elect, Susan Hammer, MBA President (1987-88) and Kelly Hagan, MBA President



Past Presidents Sylvia Stevens (2004-05), Albert Menshe (1997-98), Lynn Nagasako, (1995-96) and Monte Bricker (1993-94)



Past Presidents Michael Greene (2001-02) and Ruth Beyer (2000-01)

Judicial Brown-Bag Set for May 25

Join Judges Christopher Marshall, John Wittmayer and others in courtroom 708 on Thursday, May 25 for a brown bag lunch and roundtable discussion regarding current courthouse practice and procedures. This is an opportunity for participants to ask questions they may have regarding Multnomah County practice. Bring your lunch (courtroom rules prohibiting food in the courtroom have been suspended).

The Ebb and Flow of Balance

By Paul Burton, *Vision Mechanix*.

One recurring theme new attorneys face is balancing the demands of their careers with those of their personal lives. These are often juxtaposed against each other, leaving one a Hobson's choice.

Because each situation is unique, it is cavalier to suggest a list of pre-packaged solutions. Instead, we'll frame an alternative conceptual paradigm and provide some day-to-day coping methods within this new context.

Paradigm at Issue

Though this may be obvious to many of you, the premise of balance is too simplistic to describe a professional lifestyle in the third millennium. That is, to balance something, pros and cons must be determined. Good must be offset against bad, and rarely is work categorized as good.

And that's the rub. Work shouldn't have to be bad. In fact, given the amount of effort that it takes to develop a professional career, work should be a positive factor whenever possible.

Moreover, as your career continues to develop, what is important to you professionally and personally will change. Therefore, you will constantly be reassessing what a balanced lifestyle means. Thus, the work versus personal dichotomy never ceases.

The paradigm is simply inadequate.

And a River Runs Through it

Now consider a flowing river. Its rate depends on gradient, its current on topography. The steeper the hill or narrower the path, the faster the river flows. The larger the rocks or more ragged the riverbed,

the chopper the water. Wide, slow areas are tranquil. Steep, boulder-strewn stretches are a cacophony of sound and water.

Life flows in much the same way. There are periods of high activity, as well as miles of reflective opportunity, and who knows what awaits us around the next bend.

Navigating this constantly changing environment requires some forethought and perspective management. Life is a long-term proposition and proper alignment should always be a primary objective. Several factors play into managing your alignment, including your familial situation, your career goals, your client and work load and any civic and other non-professional obligations you have undertaken. If you focus on where you want to be 100 yards down stream and initiate the steps you need to align yourself with that goal, you will find greater satisfaction in your life.

Fine Tuning

Staying attuned to your immediate situation always facilitates obtaining longer term objectives. Here are several ways to maintain satisfaction on a day-to-day basis.

Mandatory Personal Time

The very first thing that gets lost in our hectic worlds is time for ourselves. This is not necessarily time to ourselves; rather it's time for ourselves. To do whatever you choose. Start small – during one hour every week, do something you want to do. Spend it alone, spend it with your spouse or your child or children, spend it with a friend, even spend it with man's best friend. Don't give that hour away. If you find you need more, schedule another hour in and so on until you

find the right mix. You'll likely be more productive during your other hours knowing that your personal one is coming soon.

Manage Your Technology

Don't let technology dictate your time. If you don't know how to use it effectively and efficiently, then make time to learn how. Every hour you spend learning technology will return several fold to you when utilizing it. Similarly, if you're a whiz at but overwhelmed with technology, remember the single most important fact about any modern technology – the OFF button.

Quiet Time

Remember nap time in pre-school? This is probably the single greatest self-help tool ever invented. Whether you nap, meditate or just sit quietly for a few minutes, find a solitary place (and many places will do) and take a quick 10-minute break. Close your eyes, let the stresses of the day wash out of you, relax and re-energize. Then get on with it.

Define Your Space

Experts disagree about whether it's better to segregate your professional and personal lives or integrate them. Try one method, but do it intentionally. Drive your lifestyle, don't let others or circumstance drive it for you. At least if you're at the helm you can steer the ship.

Throughout your professional career, you will be pressed to make time allocation decisions. The frantic pace of the world is not likely to slow any time soon, so never forget that career/personal satisfaction is an important objective. Implement some simple processes to protect yours!



On March 23, the MBA YLS held its March Madness Drop-in Social at The Slow Bar. All who attended had great time watching the games and catching up with their peers.



Kimberlee Stafford, Anna Sortun, Zach Fruchtengarten, John Belknap, Andrew Schpak, Jenni Marsh and Robin Wolfe at the March 23 Drop-in Social

Join the MBA YLS on May 10 for a Drop-in Social with PICA

On May 10 at 5:30, the MBA YLS will hold a Drop-in Social with the Portland Institute for Contemporary Art (PICA). This will be a casual get-together and an opportunity to meet other young lawyers. In addition, this unique event will include members of PICA who will have additional information about the organization and their Time-Based Art Festival. The event will be held on the 6th Floor of the Wieden and Kennedy Building (224 NW 13th), which includes a nice indoor area as well as a very large deck. Appetizers will be served.

So come out, hope for sunshine, and find out more about PICA while also re-connecting with other young lawyers. We'll see you there!

Gaining Practical Legal Experience Through Pro Bono Work

By James McCurdy, Lindsay Hart et al and YLS Pro Bono Committee member.

Discussions of pro bono work often revolve around the need to provide representation to unrepresented and under-represented populations and to provide equal access to the legal system. A more holistic view of this work, however, should couple those moral principles with the pragmatic aspects of pro bono work. Due to the level of responsibility it involves, the practice provides important opportunities for young attorneys to sharpen their skills and judgment early in their careers.

Pro bono work provides an "outstanding opportunity for new attorneys not only to get involved but also to receive invaluable training opportunities in an area of law in which they hope to practice," says Raylynna

Peterson, a sole practitioner whose practice focuses on general civil law. Raylynna has been working with the Bankruptcy Clinic since 2004 and she has been continually impressed by the "high level of practical training that the volunteers receive and the access to practical skills and judges that the clinic provides."

For young attorneys interested in getting courtroom experience, pro bono work is likely to get you in front of a jury much earlier in your career than would otherwise be possible. Amanda Gamblin, an attorney at Schwabe, Williamson & Wyatt, is a perfect example. In 2005, she volunteered at Schwabe's Pro Bono Legal Clinic and was assigned a client who was facing eviction, a case Amanda ended up arguing before

a jury and winning. Although the case required her to work longer hours than usual she would not hesitate to do it again. "It was a wonderful experience and I realize that taking this case through trial was a unique opportunity and one that not many young civil attorneys have the chance to do." In addition to the courtroom experience she gained, Amanda realizes that her willingness to extend herself and take on the extra work sent her firm the signal that "I am willing, and able, to take on new and challenging tasks."

Without a doubt, pro bono work offers young attorneys experiences that can be used to prepare for the practice of law. "Representing clients at hearings for the Domestic Violence Project

provides a young attorney courtroom experience they might not otherwise get," says Jennifer Oetter, a partner at Hoffman Hart & Wagner, who has been working with the project since 1996. She adds that, even for more veteran attorneys, "pro bono work like this affords an opportunity to continue honing basic litigation skills."

Not only do the attorneys who undertake pro bono work reap the benefits of that work but their firms benefit as well. By allowing and encouraging young attorneys to undertake such work, firms benefit by having more highly trained and professional junior attorneys. In addition, encouraging firm participation in pro bono work has the potential of spreading the name of the firm

and providing an outstanding marketing tool in a time when many large clients are concerned with community image.

The experiences available through pro bono volunteering are as diverse as the programs seeking volunteers. Those programs provide opportunities to gain skill, experience and training in many areas of law including land use, family law, immigration, bankruptcy and elder law, just to name a few. If you are interested in gaining practical legal experience through pro bono work you can find a listing of volunteer opportunities at the OSB Web site at www.osbar.org/probono.

ABA Publications Essentials for Law Library 20% Discount to Members

Merriam-Webster's Dictionary of Law

This is a convenient, comprehensive guide to the language of law. There are over 10,000 entries including pronunciations, example phrases and usage notes. This dictionary also contains special sections on the judicial system, legal cases, government agencies and historic laws.

The MBA member price for this book is **\$12.76**, regularly \$15.95.

Merriam-Webster's Collegiate® Dictionary, Eleventh Edition

The new eleventh edition of America's best-selling dictionary merges print, CD-ROM, and online formats to deliver unprecedented accessibility and flexibility at one affordable price. Fully revised print content features more than 225,000 clear and precise definitions and more than 10,000 new words and meanings. This edition includes an easy-to-install Win/Mac CD-ROM and a free one-year subscription to the new Collegiate

Web site, www.Merriam-WebsterCollegiate.com.

The MBA member price for this book is **\$21.56**, regularly \$26.95.

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.

Arbitrator Training Deadline Nears

By Richard Dobbins, Dobbins McCurdy & Yu.

In May 2005, the Multnomah County Circuit Court, based on a recommendation of the Multnomah County Arbitration Commission, implemented a rule requiring those who serve on the Multnomah County arbitrators' list to participate in periodic training on all aspects of the arbitration process. The rule requires that all arbitrators currently on the list and those seeking to be added to the list complete at least two hours of training no later than August 1, 2006. Attorneys who have not completed the training or comparable substitute training by that date will be removed from the list.

Two CLE programs, sponsored by the MBA, occurred in 2005 and were well received. However, Judge Edward Jones, a commission member,

reports that only 125-150 of the approximate 600 attorneys currently on the list attended. The commission and the court urge current members on the list and those seeking to be on the list to complete the training by the August deadline. Members of the YLS are particularly encouraged to become certified.

The final round of MBA CLEs is scheduled for May 24 and June 12, from 3-5 p.m. at the Standard Insurance Building, Auditorium, Concourse Level, 900 SW 5th Ave in Portland. Each program will be moderated by commission member Eric Neiman. Panel members will include Judge Jones and experienced arbitrators K. William Gibson and Nancie Potter. Course materials will include a set of forms relating to the selection of the arbitrator, postponements and the award. An audio tape or CD

ROM of the CLE will be available from the MBA for those unable to attend.

The panel will seek input of those attending as to how to make the arbitration process more effective. For example, consideration is being given to extending the time period within which to complete arbitration from 49 to 90 days.

The panel will also address Justice Carson's July 2005 order adopting qualification rules for court connected mediators. The mediation rules which became effective August 1, 2005 set forth the qualifications for persons holding themselves out as mediators. Attorneys who do not have the certification required by Justice Carson's order will not be listed as mediators.

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.

Robert Altman
Richard Biggs
Allison Bizzano
Dady Blake
Carson Bowler
Jaci Brown
Hon. Trish Brown
Richard Brownstein
Les Bush
Steve Bush
Robert Carlton
Catherine Carroll
Kip Childs
Amity Clausen
Michael Connolly
Eric Dahlin
Richard Deich
Helen Dillon
Laura Donaldson
George Eighmey
Jon Egan
Dane Eller
Jon Fritzier
Brad Gerke
David Gray
Stacy Hankin
Henry Hewitt
Rachel Houston
Ed Johnson
Sam Justice
Chris Kane
Sarah Kelly
Karen Knauerhase
Andrew Lauersdorf

Jackson Lewis
Erin MacDonald
Doreen Margolin
Melanie Marmion
Tim McNeil
Scott Nannini
Carl Neil
Robert Nelson
Alex Nowlin
Rich Oberdorfer
Jennifer Oetter
Andrea Ogston
Joel Overlund
Michael Petersen
Elizabeth Schleuning
Jill Schneider
Arden Shenker
Maryhelen Sherrett
Richard Slottee
Joshua Smith
Ryan Steen
Ellyn Stier
Sandra Stone
Scott Strahm
Bruce Towsley
John Tujo
Evans Van Buren
Richard Vangelisti
Bart Wachsteter
Lillian Watson
Eric Waxler
Rob Wilkinson
Mark Williams
Terry Wright

The Corner Office

Continued from p. 6

What should Steve do? Should he permit his clients to sign? Should he call Bruce?

Suppose that his clients are insistent that he NOT call Bruce?

The Corner Office is a recurring feature of the Multnomah Lawyer and is intended to promote the discussion of professionalism taking place among lawyers in our community. While The Corner Office cannot promise to answer every question submitted, its intent is to respond to questions that raise interesting professionalism concerns and issues. Please send your questions to mba@mbabar.org and indicate that you would like The Corner Office to answer your question. Questions may be submitted anonymously.

K. William Gibson Arbitration/Mediation Statewide



When you need someone to get to your office fast
...no matter where you are in the Northwest.

Available for single arbitrator court cases or panels. Personal injury, insurance disputes, contract disputes, employment and business disputes.

Tel. 503-659-6187 Email bgibson@cnnw.net



Mental Health Counseling

For lawyers, clients of lawyers, police officers,
and others affected by the legal system

Jeffrey L. Rogers, J.D., M.A.
www.jeffrogerscounseling.org
503-806-3344

How fragile is your nest egg?



Contact Mary Osborn, CLTC with
MasterCare Solutions at 503.473.8815 or
Mary@LTCexperts.com to learn about the
long-term care insurance plans and
premium discounts for MBA members.

The Heintzberger Company

Consultants, Actuaries & Administrators
for
Retirement Plans and Trusts

12511 SW 68th Avenue
Portland, Oregon 97223
(503) 597-1600

www.heintzberger.com

Mediation & Arbitration Serving Oregon and SW Washington since 1989



Janis Sue Porter, *Executive Director*
1000 SW Broadway, Suite 1710
Portland, Oregon 97205
Phone (503) 223-2671

Email USAM@usam-oregon.com
visit us at our web site www.usam-oregon.com

PANEL

E. Richard Bodyfelt
Edward Brunet
Ralph Cobb
Thomas E Cooney
Hon. Mary Deits
Allan deSchweinitz
Michael C Dotten
Robert Fraser
Arnold Gray
Douglas Green

Arlen Gregorio
Charles Holloway
John H. Holmes
Hon. James Ladley
Sidney Lezak
Noreen McGraw
Frank Moscato
Craig Murphy
Luella Nelson
Marvin Nepom

Daniel O'Leary
Katherine O'Neil
William Repogle
Hon. Betty Roberts
Ken Shiroishi
Michael Silvey
Hon. John Skimas
Jeffrey Spere
Ralph Spooner
Hon. George Van Hoomissen
Hon. Stephen Walker

Panel members will travel throughout Oregon and Southwest Washington

KELL & ALTERMAN & RUNSTEIN, L.L.P.

Attorneys at Law



is very pleased to announce that

ROBIN M. RUNSTEIN

has joined our firm. Her practice will concentrate on criminal defense and family law, including cases involving stalking orders, restraining orders and abuse issues.

520 S.W. Yamhill, Suite 600  Portland, Oregon 97204
Phone (503) 222-3531 Fax (503) 227-2980
e-mail: rrunstein@kelrun.com

New 2006 Edition

Oregon Corporate Law Handbook

Robert J. McGaughey

www.law7555.com
(503) 223-7555

Are you using
the MBA's medical
plans for your
law firm?

If not, take a look...

For information contact:

503-284-1331 1-800-284-1331
www.nwebi.com

- ▲ **Law firms of all sizes are eligible to enroll** from solo practitioners to large law firms.
- ▲ **Maximizes employee satisfaction** by allowing each employee to select a plan from a menu of **9** different plans including 2 PPO plans.
- ▲ **Easy administration.** The law firm receives **one** bill and makes out **one** check for the premium, regardless of the number of different plans employees select.
- ▲ **No health statements** to complete.
- ▲ **New HSA Plan** qualifies for Health Savings Account.
- ▲ **Cannot be turned down for coverage** regardless of health status.
- ▲ **No limitation for pre-existing conditions** when transferring from other coverage.
- ▲ **Dental and vision benefits** can be added to any of the medical plans.
- ▲ **Discounted fees** for Section 125 flexible spending accounts.

Open Enrollment months are March and September of each year. New MBA members can enroll themselves and employees within 30 days of joining the MBA.

Dunthorpe Contemporary with VIEWS **Luxury Location Livability**



Balancing your real estate transaction so that everybody wins...it's a fine art.

Pamela McCormick
Broker
ReMax Equity Group
4800 Meadows Road
Lake Oswego, OR 97035
503.330.7508



McCormickMeansSuccess.com
 pamela@equitygroup.com

Fire Loss Claims?

- 18 years experience as a General Contractor.
- Experienced fire and casualty insurance adjuster.
- Available to represent the insured party in maximizing recovery from the insurer.
- Fees contingent on increased recovery.



FRED MILLARD
 ATTORNEY AT LAW

503 721-0140
 621 SW Alder Street, Suite 621, Portland, Oregon 97205

Admitted to practice in Oregon and Washington

PETER R. CHAMBERLAIN
 Experienced Mediator and Arbitrator

- Tort Litigation
- Commercial Claims
- Business Disputes

Available Statewide




Bodyfelt Mount Stroup & Chamberlain, LLP
 503.243.1022
 chamberlain@bmsc-law.com
 www.bmsc-law.com



TIME OUT!

...When you take time away from trial preparation, you expect that it won't be wasted.

BANNON MEDIATION, LLC

EXPERIENCED IN simple & complex business, personal injury & employment cases.

503-382-0722

One-stop resource.

Placing temporary and full-time employees with clients in the legal, business and IT fields.

Staffing Solutions is a complete, one-stop resource for clients needing temporary and full-time employees and applicants looking for a perfect assignment to match their skills. We provide services to both applicants and clients to maintain a high standard of performance and professionalism. Headquartered in Portland and locally owned, we have grown to be one of the most respected and best known staffing leaders in the legal, business and IT fields. Staffing Solutions is WBE certified in the State of Oregon.

Legal <ul style="list-style-type: none"> • Attorney • Manager/Administrator • Paralegal • Legal Secretary • Help Desk & Software Trainer • Office Support 	Business Services <ul style="list-style-type: none"> • Office Manager • Administrative Assistant • Secretary • Word Processing Operator • Data Entry Clerk • Records Specialist • Receptionist • Accounting Clerk • Human Resources Clerk • Customer Service Clerk 	Information Technology <ul style="list-style-type: none"> • PC & Desktop Support • Networking & Systems Specialist • Database Development • Applications Development • Software Engineer • Software QA • Website Design
--	---	---

STAFFING  SOLUTIONS

Staffing Solutions, LLC / K-Counsel®
 www.staffingsolutionsllc.com

610 SW Broadway, Suite 500 • Portland, OR 97205 • T: 503.295.9948 • F: 503.295.9977 • E: admin@staffingsolutionsllc.com

Office DEPOT®

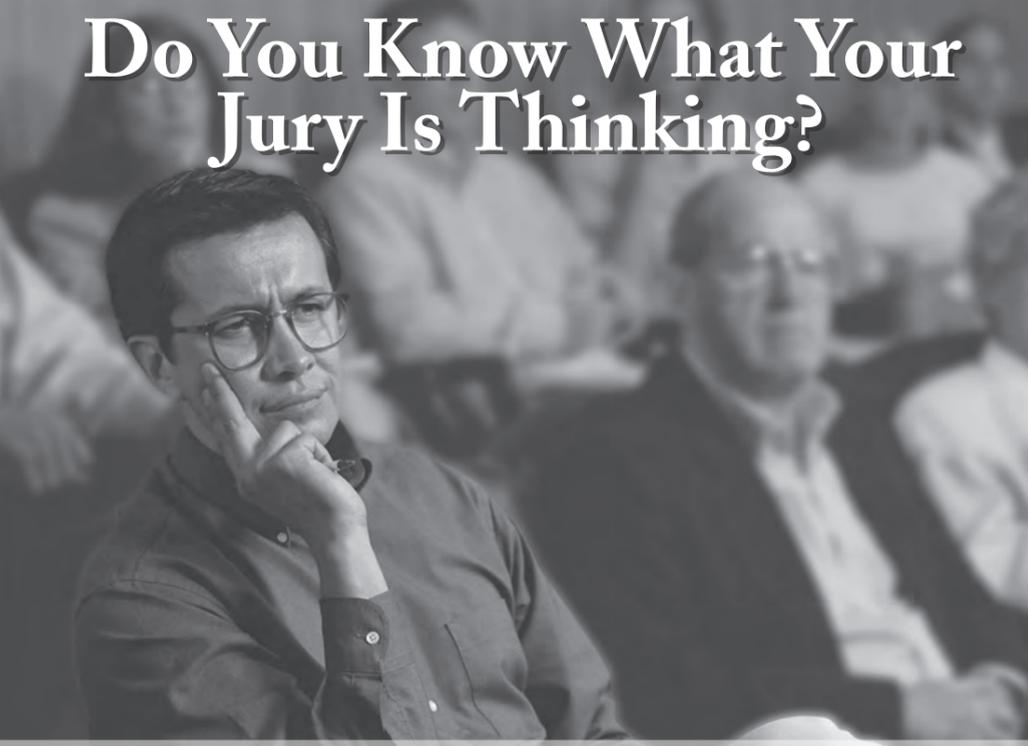
MBA Member Discount Program

The ONE STOP for all your office needs!

Office Supplies - Printing - Technology - Furniture

To find out more about the special discount program available to Multnomah Bar Association members, call James Morris at 503-240-4516, e-mail him at james.morris-portland@officedepot.com, or visit the Multnomah Bar Association website at www.mbabar.org.

Do You Know What Your Jury Is Thinking?



TSONGAS LITIGATION CONSULTING INC.
 STRATEGIC PARTNERS IN TRIAL PREPARATION

SEATTLE (206) 382-2121 www.tsongas.com PORTLAND (503) 225-0321

CLASSIFIEDS

space

DOWNTOWN PORTLAND

One exterior office with expansive views on top floor of 1000 Broadway Building. Class A space. Newly remodeled and decorated by professional designer. The civil litigators in this large suite share two conference rooms, kitchen and file room. Copier, fax, telephones and receptionist services provided. Parking, large conference room, private gym, and bank in building. Call 503.228.5027.

SAVE THOUSANDS

On Multnomah County taxes by leasing a new professional office building at 4975 SW Watson St, Beaverton OR. 2,211 sq. ft with six parking spaces, six offices, reception area, conference room, file storage, work room and kitchen area. Asking \$3,150 per/mo. NNN. Mele, Taylor & Westerdahl Real Estate at 503.223.2588 or online at www.mtwre.com.

CLOSE-IN EASTSIDE

Single offices or three to seven office suite, private entrance, share kitchen and conference room, parking for clients. 1336 E Burnside, Portland. Call Jim or Les 503.241.1320.

KOIN CENTER

Sixteenth floor exterior office, \$920/month, available immediately. Includes reception, conference room, office equipment. Secretarial station available. Call 503.224.2301.

Positions Available

ULTRA HIGH-TECH PATENT PRACTICE

Seeks attorney interested in part-time work compensated on an hourly basis. Attorney can work from home. Highly flexible hours. "Mommy track" or "Daddy track" applicants are welcome. A degree in engineering, the physical sciences or mathematics is required. Ideal candidate has prior patent experience and a

degree in electrical engineering or computer science. To learn more about the practice, please see listing for Jonathan T. Kaplan, of Vancouver WA, on Martindale.com. An interested applicant should email his or her resume to JonathanKaplan@alum.MIT.edu.

WELL ESTABLISHED EAST SIDE FIRM

Seeking associate attorney experienced in civil litigation and business matters. Financial arrangements negotiable. Possible future interest in practice and office building. Send resume to Office Manager, PO Box 16488, Portland OR 97292-0488.

POSSIBLE MERGER/PARTNER, PORTLAND

Eight-attorney NW Portland litigation firm looking for an experienced attorney or small firm with their own book of business. We are looking to add depth and breadth to our practice. Specifically, we are interested in folks with a general business, estate planning, litigation, ERISA or construction defect background. If you are looking for a change of pace from the single practice or large firm, then we may be what you are looking for. Please send cover letter and resume to MBA, Attn: Blind Box 1136, 620 SW 5th Ave Ste 1220, Portland OR 97204, or by email to carol@mbabar.org.

ASSOCIATE ATTORNEY

Fitzwater & Meyer, an estate planning and elder law firm, is looking for an associate attorney with three-five years of solid estate planning experience, including significant tax planning. LLM strongly preferred. Oregon bar required; Washington bar a plus.

Collegial atmosphere, great legal assistants, up-to-date technology. Competitive salary. Good benefits, including health insurance, 401(k), 125 cafeteria plan, disability & life insurance. Send applications to office administrator, 10121 SE Sunnyside Rd #140, Clackamas OR 97015, fax 503.786.3785, alowen@fitzwatmeyer.com.

CONSTRUCTION ASSOCIATE

Bullivant Houser Bailey PC is a multi-service, West Coast law firm with six offices strategically located throughout Washington, Oregon, California and Nevada. Our Portland office is currently seeking a four to six year associate with construction law, construction defect litigation and case handling experience. This position involves all phases of litigation and includes drafting pleadings and discovery, attending hearings, depositions, mediations, arbitrations, trial and file management responsibilities, as well as substantial client contact. Please send cover letter, resume, transcript and writing sample to Jill Valentine, Attorney Recruitment & Personnel Administrator, Bullivant Houser Bailey PC, 300 Pioneer Tower, 888 SW 5th Ave, Portland OR 97204 or email to jill.valentine@bullivant.com.

WOULD YOU LIKE TO PRACTICE BUSINESS LAW

In a community where there is significant growth and opportunity? Do you want to be part of an established law firm with a reputation for providing high quality service and expertise?

We are seeking the "Best of the Best" to participate in the firm's growth, direction and leadership. Landerholm, Memovich, Lansverk, & Whitesides, PS is a 17-attorney firm that is looking for several highly capable attorneys to join our thriving business practice.

Located in Vancouver, Washington, we are the largest law firm in Southwest Washington, which is an area that offers a superior quality of life, excellent schools, affordable housing and numerous opportunities for community involvement.

Vancouver is the fastest growing city in the state and is part of the fastest growing county in the Northwest. With that growth, there are excellent opportunities for intellectual, financial and organizational advancement.

Resumes should be sent to rhonda.kates@landerholm.com, or to Director of Operations, Landerholm, Memovich et al, 805 Broadway St Ste 1000, Vancouver WA 98660.

BLACK HELTERLINE LLP

An established 30-attorney Portland business law firm is seeking an associate attorney with two to five years of experience in estate planning, probate and trusts. The ideal candidate will possess exceptional writing skills, be motivated and have the ability to independently draft complex agreements and prepare estate and gift tax returns. Membership in Oregon Bar required and Washington Bar desired. Black Helderline offers competitive compensation

OWN YOUR OFFICE



Madison Office Condominiums

1,500 to 6,000 SF offices for sale in a new building ~ available fall 2006. Located on SW 11th Ave at Madison St., on a new pedestrian plaza. Offers 12-foot high ceilings, operable windows and many sustainable features.

503.242.0084

Courtesy to brokers

Paralegals
Legal Secretaries
Receptionists
Project Assistants
File Clerks

TEMPORARY & PERMANENT PLACEMENT LEGAL NORTHWEST STAFFING SPECIALISTS

Tel 503-242-2514
Fax 503-274-7895
www.legalnw.com
333 SW 5th Ave, STE 250
Portland, Oregon 97204

OVER 300 LAW FIRMS RELY ON US
STAFFING PARTNER TO THE



M U L T N O M A H B A R A S S O C I A T I O N
1906

and benefits and sophisticated practice opportunity. Please submit resumes in confidence to Kara Jordan, Firm Administrator, Black Helderline LLP, 805 SW Broadway Ste 1900, Portland OR 97205-3359 or kaj@bhllaw.com. Equal Opportunity Employer. Visit our Web site at www.bhllaw.com.

services

ATTENTION, OVERWORKING ATTORNEYS

Contract attorney drafts your pleadings, motions, responses,

legal research, trial prep. Fifteen+ years' experience, over 600 projects fed and state. Excellent references. Katherine Foldes kfoldes@easystreet.com or 503.641.7010.

PROFITUSA, INC.

Law office start up. Monthly financials. Asset valuation for various legal processes. Trust account requirement compliance. Account processing. Professional, confidential, background checked, attorney references available, associate MBA member. Call 503.887.6143.

Portland's
Original
Power
Lunch

3 Course
Buffet
\$11.95

Monday - Friday
11AM - 2 PM

In
The Lobby Court

The Benson Hotel 309 SW Broadway
Phone (503)228-2000



Bullivant | Houser | Bailey PC
Attorneys at Law

CONGRATULATIONS TO THE
MULTNOMAH BAR ASSOCIATION
FOR "100 YEARS OF SERVICE" TO OUR PROFESSION.



BULLIVANT HOUSER BAILEY PC IS PROUD
TO HAVE BEEN A PART OF YOUR HISTORY.



Oregon Historical Society, #OrHi 101164

In 1938 V.V. Pendergrass, Charles R. Spackman, Jr., and R.R. Bullivant opened Pendergrass, Spackman & Bullivant, in the Pacific Building on Fifth and Yamhill in downtown Portland. The firm eventually developed into Bullivant Houser Bailey PC, which today has nearly 200 attorneys in four West Coast states.

