



# MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community. April 2009 Volume 55, Number 4



## Considering Professionalism

By Michael Dwyer, MBA President.

This month the MBA announces the newest winner of our Professionalism Award – Judy Snyder. This is the highest honor the MBA bestows. Recognition of the qualities and high standards Judy brings to her work is not new. In 2001 she received the OSB

Litigation Section's Owen M. Panner Award for Professionalism. The MBA will present Judy with the award at our spring dinner on May 7.

The process of selecting the MBA's award winner provides us the opportunity to consider the meaning of professionalism.

We can start with the MBA's Commitment to Professionalism. To practice in accordance with its principles, we will solve problems, not create them; promote integrity and independent judgment; be courteous, fair, and respectful; accurately represent the facts and our authority to bind the client; pursue litigation, or conduct, that has merit; act in a timely fashion; not engage in unlawful discrimination; represent our client's best interests while seeking to resolve matters with a minimum of legal expense to all involved; explain the fee arrangements at the start of representation; and support activities to educate the public about the legal system.

"[P]rofessionalism," Judge Richard Baldwin wrote in a recent article in the OSB *Bulletin*, "goes beyond compliance with minimal standards of professional conduct and aims for the highest standards we can muster as flawed human beings."

Most of us would agree that professionalism means more than compliance with our ethical rules. Many writers on professionalism also seem to agree that most lawyers in our community exhibit professionalism. Only a small percentage of lawyers fail to act in accord with our principles of professionalism.

But if most lawyers do act professionally, what is it that distinguishes the MBA's Professionalism Award winners? If all but the worst of our lot act "professionally," then what do the best of us possess?

I invited several past recipients of the Professionalism Award to sort this out with me. After all, as part of our selection process, our past award winners search for, investigate and recommend nominees. I wondered what qualities they were looking for.

Nearly everyone I spoke to was looking to see how lawyers grappled with the tension between advocacy for one's client and remaining true to the standards of our professionalism statement. In other words: can a lawyer "do the right thing" under the stress and strain of competing demands?

Wally Sweek emphasized that a lawyer's commitment to professionalism was best tested in the fires of litigation where one is tempted to maximize self-interest. He gave an example. One party is aware of, or suspects that, the other is operating on a misinterpretation. Perhaps the other party even inadvertently created that misimpression. Does the lawyer correct the misinterpretation for the opposing party? Or keep

silent? The answer is not easy, and depends in part on the effect on one's own client, but Wally looks to see what potential professionalism award winners would do in this type of situation.

Sandy Hansberger mentioned that law students with whom she works often struggle with this tension between advocacy and "doing the right thing." They worry about "selling your client down the river." She works with them to understand that "we still need to use the rules to protect our clients and advocate on their behalf" but that the "goal is to do the job with honor, integrity and by remaining pleasant."

Dan O'Leary emphasized that professionalism was to a large degree the collective judgment of the community about a lawyer's conduct, attitude and demeanor. This requires time. He therefore believes it is important that the award be given to lawyers who have "acted professionally over a considerable span of years."

Don Marmaduke has thoughtfully written about professionalism. In an article entitled "The Earmarks of Professionalism," he compiled a list of essential conduct and attributes. His list included ethical conduct (the "quintessential earmark"); trustworthiness; being prepared; maintaining independence (resisting client demands for revenge or harassment, and never demonizing an opponent); dealing with time responsibly (being on time, and being flexible with requests for extensions); subordinating self-interest; melding zealous advocacy with professional civility; and recognizing and repaying a debt to society for the privilege of practicing law. He concludes by saying professionalism looks a lot like the Golden Rule: *Do unto others....*

Continued on page 4

## MULTnomah Bar Association Annual Meeting, Dinner and Judges Reception

Thursday, May 7, 5 p.m.

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*Judy Danelle Snyder*

**MBA Award of Merit**  
*The Honorable Jerome LaBarre*  
MBA Judicial Screening Committee  
*Lisa Naito*  
*Eric Waxler*  
*The Honorable John Wittmayer*  
*JoLynne Zimmerman*

**YLS Award of Merit**  
*Colin Andries*  
*Cashauna Hill*  
*Bernadette Nunley*

**YLS Rookie of the Year Award**  
*Dallas DeLuca*

**Pro Bono Award**  
*Gene Grant*  
*Amie Jamieson*  
*Carl Neil*  
*Bonnie Richardson*  
*Bruce Rothman*

RSVP by April 24.  
Invitations have been mailed separately.

## MBA CLE

To register for a CLE, please see the inserts in this issue or go to [www.mbabar.org](http://www.mbabar.org).

### April

**Tuesday-Wednesday, April 28 and 29**

**Resolving Conflict in the 21<sup>st</sup> Century**  
Kenneth Cloke  
Leonard Riskin  
Julie Macfarlane

### May

**Friday, May 1**

**Annual Probate Update**  
Judge Katherine Tennyson  
Judge Rita Cobb  
Judge Robert Herndon  
Tim McNeil

**Wednesday, May 6**  
**Nonprofits in Today's Environment**

Scott Howard  
Jefferey Thede

**Tuesday, May 12**  
**Construction Liens**

Thomas J. Murphy  
Angela Otto

**Tuesday May 19**  
**Accounting and Financial Management for Lawyers**

Mark Clift  
Tom Hooper  
Michelle Kelly  
Todd McConachie

**Thursday, May 28**  
**Multnomah County Judges Trial Practices**

Judge Michael McShane  
Judge Katherine Tennyson  
Judge Janice Wilson

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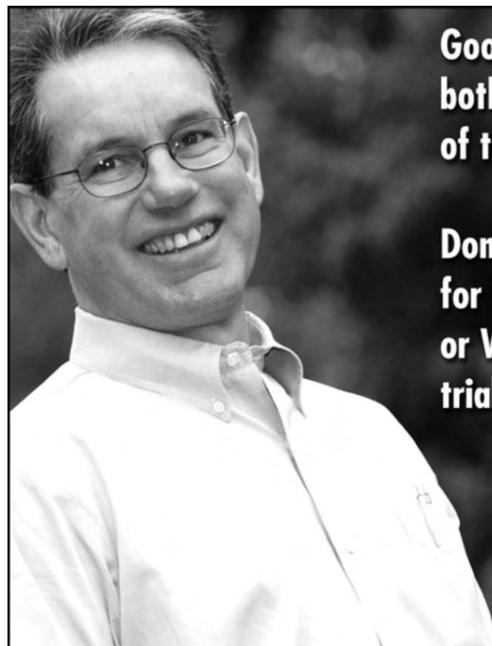
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# LETTER to the EDITOR

Dear Editor:

In last month's president's column, Michael Dwyer fantasizes about a world of the future where there are no trials and, hence, no need for trial lawyers. What's needed, instead, are "settlement lawyers" – meaning lawyers who are good at negotiating. The lawyers who were taught how to try cases, but not how to settle them, suffer greatly in this brave, new and trial-less world.

Settlements without trials? That truly is a fantasy. What defendant would ever pay a dime in settlement if not for fear of losing more at trial? Without trials, mediations would just be lawyers and clients posturing

endlessly. Trials, then, are what make settlements possible.

And trial skills make for better settlements – better, that is, for the clients. Lawyers who don't know how to try a case will usually talk their clients into settling cheaply, because they fear what will happen if the case doesn't settle. Sensing that, their opponents will drive an even harder bargain.

I agree with Michael that negotiation skills are important in settling cases. But far more important, I believe, are trial skills. The best trial lawyers obtain the best settlements for their clients, all other things being equal, because their opponents know that if the case doesn't settle, these lawyers can continue on to court and get a favorable verdict. They

can back up their demand to pay this much or risk losing more – or to accept this much or risk winning less. They can walk the walk, not just talk the talk. Meanwhile, the clients of lawyers who can only talk – who can't pick a good jury, conduct an effective cross examination, or deliver a persuasive closing argument – don't get their settlement offers accepted. They get stingy counteroffers.

And without the possibility of trial, they wouldn't even get that.

Very truly yours,

*Thomas M. Christ  
Cosgrave Vergeer Kester*

## The Corner Office

### Professionalism as Sword and Shield

One of our more contentiously appointed US Supreme Court Justices has said, "Good manners will open doors that the best education cannot." While he may have been thinking of expanding social circles, my translation is "Difficult circumstances are more easily surmounted with politeness over aggression." Or as my West Virginia relatives say, "You catch more flies with honey." Professionalism is more than a way to make our work lives easier. It's actually good strategy.

Both the case outcome and case administration can benefit from tactical professionalism. Studies on real life negotiations suggest that the best chance of favorable results comes from starting relatively "open" and resorting to the "hard ball" only when it is encountered on the other side. In the classic negotiator's book, *Getting to Yes*, co-authors Fisher

and Ury suggest using a form of "negotiation jujitsu" that sounds a lot like professionalism to focus your opponent's intransigence toward the dilemma.

Each of us has been involved in a case that could benefit from the kindness of strangers. A judge's grant of recess to speak with a witness, a stipulation to a set over from opposing counsel or a redline document from your counterpart deal drafter are common examples. Because you never know when a favor will facilitate the efficiency of a case, it is almost always preferable to carry on your case relations with politeness and civility. Even in the rare circumstance where your case began down a contentious road there is rarely harm done by an introductory call or meeting with opposing counsel to insert civility as the default.

Resist the temptation to develop this relationship via email. The phone already deprives you of the opportunity to use and evaluate body language. Voice tone and inflection are a significant part in your communication. Even the best poker player broadcasts humor,

mood and stress level through vocal communication.

Finally, let's dispel the myth that civil negotiators are perceived as "weak" or "soft." When used sincerely with a clear motive of moving the case forward, flexibility and courtesy provide formidable problem solving ammunition.

*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. The MBA will protect the anonymity of those submitting questions.*

# CALENDAR

For a complete MBA calendar, please visit [www.mbabar.org](http://www.mbabar.org).

## April

**7 Tuesday, MBA Board meeting**

**10 Friday, May Multnomah Lawyer deadline**

**15-18 Wednesday-Saturday, Oregon Historical Society Oregon Rendezvous 2009**

**16 Friday, MBA Past Presidents' Reception**

**Friday, YLS PDE Seminar How to Find a Legal Job in a Tough Economy**  
See insert to register.

**17-18 Friday-Saturday, OCDLA Juvenile Law Seminar**  
Visit [www.ocdla.org](http://www.ocdla.org) for details.

**18 Saturday, YLS Service to the Public Oregon Humane Society**  
See p. 11 for details.

**4/20-5/8 Monday-Friday, CourtCare Campaign**  
See p. 6 for details.

**21 Tuesday, YLS Board meeting**

**22 Wednesday, MBF Board meeting**

**23 Thursday, MBA CLE Clark County Presiding Court Update**  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

**4/27-5/2 Monday-Saturday, Community Law Week**

**28-29 Tuesday-Wednesday, MBA Conflict Resolution Seminar**  
See p. 7 for details.

**28 Tuesday, YOUthFILM Project Screening**  
See p. 10 for details.

**30 Thursday, YLS Meet the Judges Social/CourtCare Fundraiser**  
See p. 10 for details.

## May

**1 Thursday, MBA CLE Annual Probate Update**  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

**1-2 Friday-Saturday, OCDLA Seminar – Investigation & Trial Preparation**  
See Announcements on p. 4 for details.

**5 Tuesday, MBA Board meeting**

**7 Thursday, MBA Annual Dinner**  
See p. 1 for details.

**8 Friday, June Multnomah Lawyer deadline**

**Friday, MBA Judicial Brown Bag**  
See Announcements on p. 4 for details.

**12 Tuesday, MBA CLE Construction Liens**  
See insert or register at [www.mbabar.org](http://www.mbabar.org).



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# Ethics Focus

By Mark J. Fucile, Fucile & Reising.

## Sui Generis: Oregon's Disciplinary System, Part 1



We all get a lot of mail from the OSB - CLE flyers, dues notices and the like. There's one kind of envelope from Tigard, however, that no one wants: the one marked "Personal and Confidential." That usually signals that someone has filed a bar complaint and the recipient is being asked to respond. It's also an unwanted introduction to a system that most lawyers don't usually spend much time thinking about.

Oregon's disciplinary system has been described by the Supreme Court (*In re Barber*, 322 Or 194, 206, 904 P2d 620 (1995)), by statute (ORS 9.529) and by Bar Rule (BR 1.3) as "sui generis." For those of us whose Latin is a little rusty, *Black's Law Dictionary* defines "sui generis" as "of its own kind or class; unique or peculiar." All apply to the disciplinary system. It's not that Oregon's system is unique nationally. Oregon's regulatory system shares many common elements with states throughout the country and the ABA's Model Rules for Lawyer Disciplinary Enforcement. But, it is much different than either the civil or criminal systems with which most lawyers are familiar.

This month and next we'll look at Oregon's disciplinary system. In this column we'll examine what occurs before formal charges are filed and next month we'll turn to what happens after. With both, we'll focus on three questions I'm often asked by lawyers who fall into the system: (1) what are my odds? (2) what happens? and (3) how long does it take?

**What Are My Odds?** The "odds" in any given case, of course, turn on the facts of that case. At the same time, the ABA publishes a comprehensive national survey of state disciplinary systems every year that includes information submitted by the OSB. From that, we can make three statistical generalizations about the investigative phase. *First*, you've got a lot of company. Each year the bar's intake point, the Client Assistance Office (CAO), generally receives the equivalent of one complaint for at least every 10 lawyers in Oregon. *Second*, most complaints are dismissed at this stage either for lack of jurisdiction or on

the merits. *Third*, based on preliminary investigations, the bar pursues formal prosecutions against roughly one lawyer in every 100 each year.

**What Happens?** When the bar receives a complaint, it is generally reviewed first by the CAO. The CAO, which is staffed by the bar's General Counsel rather than the disciplinary counsel, was set up as a screening mechanism to determine whether complaints raise potential misconduct under the RPCs or instead involve other issues between lawyers and clients such as asserted malpractice, fee disputes or simply miscommunication. Unless a complaint clearly does not involve issues within the bar's regulatory purview, the accused lawyer is typically asked to provide a written response. If the CAO determines that a complaint does not involve misconduct, it dismisses the matter subject only to an appeal to the General Counsel. By contrast, if the CAO determines under BR 2.5(b)(2) "that there is sufficient evidence to support a reasonable belief that misconduct may have occurred" it refers the complaint to the disciplinary counsel for further investigation.

Once with the disciplinary counsel, both the lawyer and the complainant are typically asked to provide further information. The disciplinary counsel also frequently contacts witnesses on its own. Occasionally (and usually only in very fact-intensive cases) the disciplinary counsel also asks a Local Professional Responsibility Committee to undertake further investigation. When the disciplinary counsel has completed its investigation, it can either dismiss the complaint (subject to appeal to the State Professional Responsibility Board) or it can forward the complaint to the SPRB for a decision on whether formal prosecution is warranted. The SPRB plays a role roughly analogous to a grand jury and can (among its principal options): (a) dismiss the complaint; (b) approve formal charges; or (c) offer the lawyer a non-disciplinary private admonition (in lieu of a formal prosecution).

# ANNOUNCEMENTS

### The MBA Presents Resolving Conflict in the 21<sup>st</sup> Century, April 28-29

This two-day seminar offers sophisticated concepts and skills in settlement, negotiation and mediation. The Tuesday, **April 28** workshop is at The Standard Insurance Center Auditorium on the Concourse Level and features Julie Macfarlane, from the University of Windsor, Ontario, Canada. The Wednesday, **April 29** seminar begins with breakfast at The Governor Hotel and features Kenneth Cloke, of the Center for Dispute Resolution in Santa Monica and Leonard Riskin, from the University of Florida, Levin College of Law, in addition to Professor Macfarlane.

To register or for more information, visit [www.mbabar.org](http://www.mbabar.org) or see the insert in this issue.

### MBA Judicial Brown-Bag

Please join an informal discussion with judges about motion practice and discovery on Friday, Friday, May 8 at noon at the Multnomah County Courthouse (room to be announced).

### MBA Membership Renewal Due

If you haven't yet renewed your membership for 2009, please renew either online at [www.mbabar.org/membership.php](http://www.mbabar.org/membership.php) or by printing the renewal form found online and faxing or mailing it to the MBA office with payment. MBA bylaws require members who have not renewed by March 1 to be taken off the membership roster, including the online directory. If you are unsure if you've renewed or not, please call 503.222.3275.

### The Multnomah County Family Law Group (MCFLG)

The group meets monthly in the 1st floor conference room of the US Bancorp Tower (Big Pink, 111 SW 5th Ave.). On April 27, the Honorable Nan Waller will be our honored guest. Judge Waller will share important updates and field questions. If you would like to receive an email invitation (RSVP required) to this and other MCFLG luncheons, please contact David Bean at [dib@meyerwyse.com](mailto:dib@meyerwyse.com)

### MBA Noon Time Rides

Meet at SW Yamhill and Broadway between noon and 12:10 p.m. on Monday and Thursday. Contact Ray Thomas at 503.228.5222 with questions, or meet at the start.

### Upcoming Oregon Criminal Defense Lawyers Association Seminars

Juvenile Law Seminar, April 17-18 at Agate Beach Inn, Newport, and Investigation and Trial Preparation Seminar, May 1-2 at Hallmark Resort, Newport. For a look at the program of either of these two seminars, visit [www.ocdla.org](http://www.ocdla.org).

### The OSB Construction Law Section Free Lunch CLE Seminar Series

The series will provide a new construction law practitioner background on the important, basic issues and concepts at work within the field. The sessions are being held at Smith, Freed & Eberhard, 111 SW 5<sup>th</sup> Ave., Portland, in the ground floor training room. The sessions start at noon and are usually scheduled to last 50 minutes. To reserve a seat for a particular session or the whole series, contact Jessica Berg at 503.227.2424 or [jberg@smithfreed.com](mailto:jberg@smithfreed.com).

The April 16 seminar covers Construction Delay Claims and features Steve Pinnell, Pinnell Busch, Inc.

**How Long?** "It depends." Each investigation varies on its own facts and a wide variety of other elements ranging from overall case volume at the time to the vigor with which the complainant stays involved in the case. A rough rule of thumb, however, is that the CAO phase of any given investigation is measured in weeks and the disciplinary counsel phase is measured in months.

**Summing Up.** An old saying among defense lawyers is "take the first door out." It wasn't coined in the disciplinary system, but is an apt approach. A polite, professional and thorough response to the CAO or the disciplinary counsel can often lead to an early and favorable resolution at the investigative stage. For situations where that doesn't result, next month we'll survey the formal phase of Oregon's disciplinary system.

*Mark Fucile of Fucile & Reising handles professional responsibility, regulatory and attorney-client privilege matters and law firm related litigation for lawyers, law firms and legal departments throughout the Northwest. His telephone and email are 503.224.4895 and [Mark@fllp.com](mailto:Mark@fllp.com).*

## President's Column

*Continued from page 1*

While Don said he dislikes abstraction, in fact his own list included both practical criteria and general principles of conduct. In this regard he was aligned with the thoughts of Randall Kester. Randall recalled that in 1991 when he received the Professionalism Award, he referred to the difficulty of defining it and fell back on the much-quoted words of Mr. Justice Stewart in an obscenity case: while he couldn't define it, he knew it when he saw it.

To Randall, professionalism involves far more than avoiding the most egregious Rambo tactics, more even than simple courtesy and compliance with the ethical rules. He believes professionalism "shows regard for the feelings of other people who may be involved" and "an awareness of the place of the justice system in society and the role of the lawyer as a part of that system." He concludes: "[T]he goal of the lawyer should be to represent the client in such a way as to advance

the client's interests, while also achieving justice and advancing the justice system, and doing so in such a way as to protect, so far as possible, the feelings of all concerned."

Although this latter principle is not explicitly found in the statement of professionalism, it seems to me Randall has nailed what we are searching for – that intangible quality that separates lawyers who act professionally from those who merit our Professionalism Award. His description speaks of an *extension beyond oneself or one's client* and envisions a broader vision of advocacy, one that attempts to achieve the most good for the most people WHILE advocating for one's client.

That's a high bar. But we are fortunate to have lawyers in our ranks, including our Professionalism Award winners, who model this elevated degree of professionalism.

# 2009 Pro Bono Award Recipients Announced

By Cathy Keenan, Legal Aid Services of Oregon.



Cathy Keenan

**Bruce Rothman** has been selected to receive the *Senior Law Project Volunteer of the Year Award* for his exemplary work with the Senior Law Project. In 2008, Bruce volunteered at 12 SLP clinics and assisted 47 clients. He reported 161 pro bono hours - the most hours reported by any Volunteer Lawyers Project volunteer. In 2007, Bruce reported 188.75 hours and helped 23 clients. Bruce has been praised by senior center staff for his patience and professionalism in working with his SLP clients.

**Amie Jamieson** of McDowell & Rackner PC, has been selected to receive the *Michael*

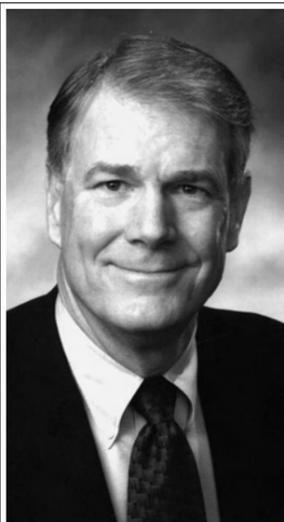
*E Haglund Pro Bono Award*, which recognizes the pro bono efforts of a young lawyer. Amie volunteers for the Legal Aid Night Clinic, a clinic designed to assist the working poor with a host of civil legal issues. In 2008, Amie volunteered for four out of the 11 clinics (more than any other volunteer), allowed newer volunteers to shadow her and filled in clinic vacancies on short notice.

**Gene Grant** of Davis Wright Tremaine has been selected to receive the *Pro Bono Award of Merit* for his exemplary pro bono assistance to the Community Development Law Center (CDLC). Gene is the co-chair of the firm's real estate and land use department and he uses that expertise to assist numerous nonprofits through his work with the CDLC. Gene has volunteered with CDLC since 2005, has provided countless pro bono hours and his work has been invaluable to assuring affordable housing opportunities in Oregon.

**Bonnie Richardson** of Kirklín Folawn and **Carl Neil** of Lindsay Hart Neil & Weigler have also been selected to receive the *Pro Bono Award of Merit* for their pro bono

work through the Oregon Law Center on a predatory lending matter. Working together, but representing individual members of the affected family, Bonnie and Carl dedicated two years and hundreds of pro bono hours, culminating in litigation against four defendants. As a result of

Bonnie and Carl's efforts, the members of the family kept both of their homes, regained full rights to their individual properties and had high interest ARM loans renegotiated to standard, long-term fixed mortgages.



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# Sixth Annual CourtCare Fundraising Campaign Kicks Off April 20

## "A Jungle Gym in the Jungle"

Before CourtCare opened, small children whose parents were involved in court proceedings were left to either roam the courthouse halls unattended, or, worse, brought in to witness often disturbing proceedings. But in the safety of CourtCare, a drop-in childcare facility for parents who have to conduct court business, these children are spared such emotionally charged scenes.

The parents of children utilizing CourtCare are involved in domestic violence hearings, testifying as witnesses, attending eviction proceedings, going through custody disputes, participating in drug/alcohol treatment programs, etc.

Since CourtCare first opened in December 2001, over 7,000 children have benefited from its service. CourtCare receives some public funding, but mostly depends upon the financial support of individual lawyers, legal assistants, law firms, judges and other members of the legal community. More than 1,000 people contributed over \$125,000 to CourtCare last year.

The 6<sup>th</sup> Annual CourtCare Campaign will run from April 20–May 8, with a goal of raising more than \$100,000. Every dollar



helps, but the campaign will especially recognize donations at the \$150 and \$500 levels.

For those who wish to participate, the CourtCare Campaign stages a competition among law firms and other organizations, including the DA Office, Metro Public Defenders, Multnomah County judges and courthouse staff. With the highest dollars raised last year, Bullivant Houser Bailey took the "Proudest Pride" trophy. Williams Love O'Leary & Powers earned the highest per capita contribution to CourtCare for the last five years.

CourtCare, a project of the MBA, is operated by Volunteers of America Oregon, and is located in a converted jury room in the Multnomah County Courthouse. The children receive individual attention from state-certified childcare providers.

To learn more, please contact campaign co-chairs, Laura Taylor, [laura.taylor@bullivant.com](mailto:laura.taylor@bullivant.com) and Kristin Eaton, [kweaton@yatesmatthews.com](mailto:kweaton@yatesmatthews.com). Also, please see this month's insert if you wish to make a donation, or visit [www.mbar.org](http://www.mbar.org), where you may make a donation and view a four-minute video about the program.

## YLS Summit

On March 5 the YLS held a Young Lawyers Summit at the Hilton Executive Tower in downtown Portland. Over 80 people attended the Summit. Attendees talked about diversity in the profession as well as issues confronting young lawyers and the future of the practice of law. The event raised \$830 for the Campaign for Equal Justice, and Edward Johnson spoke to the group about his experience as a legal aid lawyer as well as the importance of the Campaign.

Importantly, the Summit represents the beginning of this discussion, not the end of it. The YLS Futures Committee will compile and review the opinions and findings made by the young lawyers in

attendance, and that committee will be proactive in addressing the issues and concerns raised at the Summit. If you attended the Summit and indicated that you are interested in continuing the discourse on these pressing issues, you can expect an email in the next few months. If you missed the Summit but would like to participate in these ongoing discussions, please email [futures@mbabar.org](mailto:futures@mbabar.org).

The Summit was generously sponsored by Barran Liebman, Schwabe Williamson & Wyatt, Perkins Coie, Bodyfelt Mount, LLP, Gevurtz, Menashe, Larson & Howe PC, Harrang Long Gary Rudnick P.C., Yates, Matthews & Eaton, P.C., Oregon New Lawyers Division and Sussman Shank.



Justin Leonard, Bernadette Nunley, Damien Hall, Gerry Gaydos and Andrew Schpak at the YLS Summit

## Annual MBA East county social is April 24

East County MBA members are invited to attend a social on Friday, April 24 at 3 p.m. at the Warren Allen firm at 850 NE 122<sup>nd</sup> Ave.

Please RSVP to [carol@mbabar.org](mailto:carol@mbabar.org) if you plan to attend.

# Accounting and Financial Management for Lawyers

## How to Increase Your Firm's Fiscal Efficiency and Control Risk

Law firms face unique financial management challenges. On May 19 the MBA will host a two-hour class that will provide attendees with the tools they need to run a financially efficient practice and maintain essential controls while reducing the amount of time spent on accounting concerns.

Topics to be addressed include:

- Profitability, Liquidity and Operating Efficiency
- Financial and Managerial Accounting Tips
- Legal Formations and the Resulting Tax Implications
- Accounting Controls and Fraud Detection/Avoidance

Our experienced speakers include Todd McConachie of Bank of the Cascades and Michelle Kelly and Mark Clift of McDonald Jacobs. The class will be moderated by Tom Hooper of Hooper Englund & Weil LLP.

For more information and to register, see the CLE insert in this issue of the *Multnomah Lawyer*.

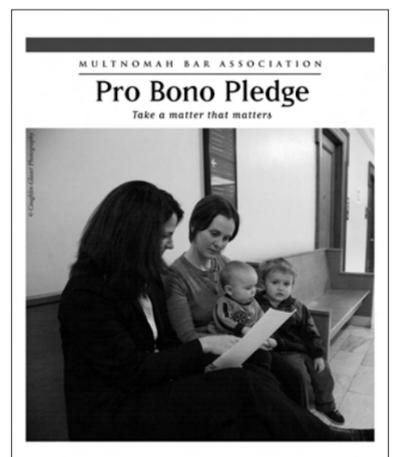
## 2009 Pro Bono Pledge

The following firms have signed the 2009 Pro Bono Pledge for law firms. Individuals and firms may sign the pledge at <http://www.mbar.org/probono.htm>.

Ater Wynne LLP  
Ball Janik LLP  
Barran Liebman LLP  
Michael H. Bloom PC  
Brindle McCaslin & Lee PC  
Bullivant Houser Bailey PC  
Clarke Balcom PC  
Cosgrave Vergeer Kester LLP  
Davis Wright Tremaine LLP  
Dwyer & Miller LLP  
Farleigh Wada Witt  
Garvey Schubert Barer  
Gearing Rackner Engel LLP  
Gevurtz Menashe et al  
Greene & Markley PC

Harrang Long Gary Rudnick PC  
K & L Gates LLP  
Kent & Johnson LLP  
Kivel & Howard LLP  
Lane Powell PC  
Law Office of Alicia Hercher  
Lindsay Hart Neil Weigler  
Markowitz Herbold et al  
Meyer & Wyse LLP  
Miller Nash LLP  
Parker Bush & Lane PC  
Pearl Law LLC  
Perkins Coie LLP  
Professional Liability Fund  
Quantum Law Group PC  
Rizzo Mattingly Bosworth PC  
Schwabe Williamson & Wyatt PC  
Stoel Rives LLP  
Stoll Berne  
Swider Medeiros Haver LLP  
Todd Trierweiler & Associates

Tonkon Torp LLP  
Vangelisti Kocher LLP  
Yates Matthews & Eaton PC  
Zipse Elkins & Mitchell



# AROUND THE BAR



Leta Gorman

BULLIVANT HOUSER BAILEY Shareholder **Leta Gorman** has recently been appointed to a three-year term on the International Association of Defense Counsel (IADC) Foundation Board. The IADC is an invitation-only organization dedicated to serving and benefiting its members, the legal profession, and the civil justice system by enhancing the development of skills, professionalism and camaraderie in the practice of law. The IADC Foundation is dedicated to educating the public and global legal community on issues impacting the civil justice system. The foundation provides a forum for discussions and promotes projects to advance the legal system by creating partnerships that support the education of the global defense bar, the judiciary and the business community.

Gorman has also been reappointed co-chair of the Consumer Products Subcommittee of the ABA Products Liability Committee.

Gorman has extensive trial experience in both state and federal courts, having tried over 20 bench and jury trials. She focuses her practice on the defense of manufacturers of consumer and industrial products, including several pharmaceutical companies and device manufacturers. Gorman also represents both plaintiffs and defendants in a broad range of complex business and construction disputes.



Maya S. Hamie

MARKOWITZ, HERBOLD ET AL **Maya S. Hamie** has joined the firm as an associate. Her practice will focus on complex civil and business litigation.



Orlando Medina

DAVIS WRIGHT TREMAINE **Orlando Medina** has joined the firm as a partner in the business and corporate finance practice. Medina brings to the firm extensive experience in business transaction planning, negotiation, and structuring for clients in various industries, with special focus on the health care industry as well as tax planning for individuals and businesses.

Medina focuses on the analysis, structuring, negotiation, documentation and implementation of mergers, acquisitions and dispositions (stock, interests and assets) for corporations and partnerships. He has handled numerous equity and debt financings, refinancings and restructurings, including the syndication of tax credits as an alternative means of project financing.

METRO PUBLIC DEFENDER **Kasia Rutledge** joined the firm and will be working in the Multnomah County office.



Joshua S. DeCristo



Charmin B. Shiely

SCHWABE WILLIAMSON & WYATT The firm has named **Joshua S. DeCristo** and **Charmin B. Shiely** as shareholders.

DeCristo is a member of Schwabe's product liability group and focuses his practice on the representation of businesses in product liability and complex general litigation matters.

Shiely focuses her practice in the areas of business transactions and corporate finance, with significant experience assisting financial institutions. She is experienced in public and private mergers, asset sales, public offerings and private placements, and securities law advising. She also advises clients on executive and equity compensation.

JORDAN SCHRADER RAMIS The firm was again honored as one of the 100 Best Companies to Work for in Oregon. The firm was number four in the medium companies' category by *Oregon Business Magazine*.

ANDRIES LAW OFFICES After three years at an esteemed Portland law firm, **Colin Andries** is proud to announce the grand opening of his own firm and the successful launch of the Web site, [www.andrieslaw.com](http://www.andrieslaw.com). Andries' firm will specialize in criminal defense, small business and nonprofit law, real estate transactions and estate planning. For more information please visit the Web site or contact him directly at 503.206.6002, or [colin.andries@andrieslaw.com](mailto:colin.andries@andrieslaw.com).

*The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. The deadline is the 10th of the month preceding publication or the previous Friday if that date falls on a weekend. All items are edited to fit column format and the information is used on a space-available basis in the order in which it was received. Submissions may be emailed to [carol@mbabar.org](mailto:carol@mbabar.org).*

## Conflict Resolution in the 21st Century

### April 28 and 29

The MBA, in collaboration with Willamette University College of Law, presents Ken Cloke, Julie Macfarlane and Len Riskin - three of North America's greatest teachers in conflict resolution - in a powerful, unique program entitled "Conflict Resolution in the 21<sup>st</sup> Century."

This program aims to present the most significant issues, trends and skills in conflict resolution so judges, mediators and lawyers can resolve their cases more effectively.

**April 28**, Julie Macfarlane will conduct a small workshop for 50 lawyers who wish to expand their settlement repertoire beyond the adversarial trial model. The workshop will be based on her important book, *The New Lawyer: How Settlement Is Transforming the Practice of Law*.

**April 29**, Ken Cloke and Len Riskin, along with Julie Macfarlane, will explore ways to:

- Maximize your mediations and settlements to resolve conflict
- Gain essential knowledge and negotiation skills for the New Lawyer
- Analyze complex levels of conflict and conflict resolution
- Understand adversarial vs. problem-solving language
- Build top negotiation and mediation strategies
- Understand the neurophysiology of conflict
- Discover the impact of the Neutral's presence in achieving resolution

"In 32 years of practice as a mediator and trial lawyer, I have never seen the quality of presenters for a one-day program on conflict resolution that the MBA and Willamette College of Law have lined up. And in the age of vanishing trials, Dr. Macfarlane's workshop will be a great complement, focusing on the skills needed for *The New Lawyer*, the title of her book that is creating a stir across the continent. This program promises to launch the Portland legal community into the forefront of conflict resolution for the coming century." Michael Dwyer, MBA President

#### Speakers

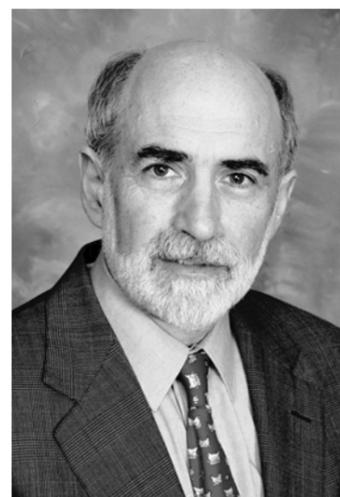
**Kenneth Cloke**, Director, Center for Dispute Resolution, Santa Monica, has served as a mediator, arbitrator, attorney, coach, consultant and trainer. His experience includes the university setting, public, private and nonprofit organizations, both in the US and internationally. He also has served as an Administrative Law Judge, a Judge Pro Tem and has been an arbitrator and mediator for over 27 years. He graduated



from the U.C. Berkeley Boalt Law School and received a Ph.D and LL.M. from UCLA.



**Julie Macfarlane**, University of Windsor, Ontario, Canada, is a widely published author, teacher, speaker and lecturer on dispute resolution. In addition to being a faculty advisor and founder of Mediation Services and a full professor at the Faculty Law of the University of Windsor, her consulting practice offers conflict resolution service, training, facilitation and systems design for a range of public and private sector clients. Over the past 10 years, she has provided mediation training for legal practitioners, law students, civil servants, union and management groups, aboriginal council members, legal aid workers and health care professionals. She earned a Ph.D. from the University of South Bank and an LL.M. from London University.



**Leonard Riskin**, Professor, University of Florida, Levin College of Law, has been mediating, writing about

*Continued on page 12*

# Tips from the Bench

By Judge Youlee You, Multnomah County Circuit Court.

## Tips for Criminal Procedures Court (CPC)

This month's tips pertain to criminal cases.

Here are some tips for attorneys who are not familiar with CPC.

- 1) CPC has a high volume docket and is very busy. Be sure to have the information you need prior to coming to court, especially custody information. The clerk does not have time to stop and check booking dates, charges, holds and other information.
- 2) To make a good record, state and spell your name, state your bar number and state the case name and number. Please make sure you are speaking within the pick-up range of a microphone. All of these items are essential if you want a clear record.
- 3) Ex parte:
  - a) Ex parte is for short, agreed-upon requests such as scheduling adjustments and waivers of appearance. Anything else must be placed on the CPC Further Proceedings docket so that the Deputy District Attorney (DDA) and court can have their files.
  - b) Call or email the District Attorney's Office in advance so the DDA has enough time to review the file. Get the DDA's position. The court will not consider ex parte motions unless the DDA has had a chance to consider the request.
  - c) Be familiar with the CPC dockets. Avoid appearing for CPC on the wrong docket or when there is no CPC docket.
  - d) Because of the high volume in CPC, the court is not always available to handle your ex parte matter right away. Please be patient. Also, the court may need to have the matter docketed, in order to have the court file available for review.
- 4) Be familiar with CPC's published rules. If you are unsure of what to do, check with the CPC clerk. The DDAs and public defenders also are often willing to assist with information.

### Request your interpreter

Defendants have the right to interpreter services and so do victims. The attorneys are responsible for placing their requests with Interpreter Services. It is not sufficient if the court indicates on an order that an interpreter will be needed. Interpreter Services does not monitor the court's orders.

So, if a defendant, victim or witness will need an interpreter, make sure you request one in



advance. For languages other than Spanish, make your request far in advance. Interpreters for some languages are harder to schedule and sometimes they must travel from different parts of the country.

### Check to see if the defendant is on probation or has warrants

Many times, the attorneys for the state and defense do not know whether the defendants are on probation or have outstanding warrants. In some instances, defense counsel may have tactical reasons for not disclosing this information. In many cases, however, it seems that the attorneys for both sides simply have not checked.

Defendants who have committed new crimes are in violation of their probations and must be adequately counseled on the ramifications of their pleas. Moreover, it may be that both the new case and the probation violation can be resolved in a global disposition, which could be to the defendant's benefit.

The worst case scenario is for a defendant to be later arrested on a Probation Violation (PV) or probation officer warrant. Sometimes, defendants must be brought all the way back from prison just to handle PVs that could have been handled at the same time as their other cases. As a result, they may lose their beds or other privileges that they have earned. Defendants who are out of custody may lose jobs, treatment beds, etc., as the result of being arrested on a probation violation warrant. Additionally, a defendant may mistakenly be placed on probation to two different judges. This results in defendants being confused and unsure about the requirements of their probations and who to contact for assistance.

Finally, checking for warrants prevents unexpected surprises. In one recent instance, a defendant was on trial in Multnomah County for a misdemeanor charge. He was out of custody and had shown up for two prior pretrial conferences without incident. After he was acquitted, he was taken into custody, much to everyone's surprise, because he had a PV warrant in another Multnomah County case.



By Dana Scheele, Hoffman Hart & Wagner and Court Liaison Committee member.

*Below is the latest information as of press time. Please check [www.mbar.org](http://www.mbar.org) for ongoing developments.*

### CHIEF JUSTICE ORDER NO. 09-026

**In the Matter of Rescinding Chief Justice Order 09-023 Regarding Friday Closures of All Courts and Offices of the Oregon Judicial Department**  
I order, pursuant to my authority under ORS 1.002 and 1.060(3), that Chief Justice Order 09-023, regarding Friday closures of Oregon Judicial Department courts and offices, is rescinded as it applies to Fridays occurring after March 13, 2009. This order takes effect immediately.  
Dated this 16<sup>th</sup> day of March, 2009.

*Paul J. De Muniz*  
Chief Justice

### Presiding Judge's Report

Doug Bray, Trial Court Administrator, passed out a handout which included information on issues regarding the OJD budget cuts.

Oregon courts face an \$11.1 million budget shortfall for the current biennium, ending June 30. Judicial department staff will be taking furlough days and some courts across the state may lay off employees.

The 2009-2011 revenue forecast is even worse, with an estimated

\$3 billion shortfall for the State of Oregon's general fund (as of the March 2009 revenue forecast). Budget hearings for the Oregon Judicial Department began in March regarding funding for 2009-2011. Doug anticipates that things will get worse instead of better, given the continued decline of all economic indicators.

The eCourt project, funded separately by the sale of bonds with the proceeds dedicated only to that project, will not be impacted by reductions in the general fund, but will be impacted as the legislative assembly limits bond sales. The project is scaled down to four pilot circuit courts, including Multnomah County, that are moving ahead with small claims, FEDs and general civil, and e-filing is now expected to become available in early 2010 in the four pilot circuit courts.

In addition, it is expected that the Board of Commissioners for Multnomah County will implement budget reductions for the 09-10 fiscal year that will cut staffing levels at the District Attorney's office, in community service resources and for the Sheriff's office - reducing jail beds.

Doug and several other members of the committee noted that despite the reduction in court staffing levels, case filings are up, especially in small claims and business litigation matters.

### New Courthouse Update

There is little movement on the new downtown courthouse in light of the current budget situation. With respect to the east county courthouse, the plan, awaiting approval by the Board of County Commissioners, now is to build a three-courtroom building on NE 8<sup>th</sup> Ave. Under this plan, the sheriff's office will stay at NE 122<sup>nd</sup> Ave. and the City of Gresham will buy the Rockwood property for future city development. The Board of Commissioners is expected to act on this proposal before the end of the fiscal year.

### Spring Brown Bag

The committee decided to keep the current date of Friday, May 8. Todd Van Rysselberghe will work with Judge Maurer to identify the judges who will participate in the brown bag. The committee agreed to keep the topics general for the brown bag similar to the one held in the fall.

### Web site

The MBA is working on a member-only area in the Web site and expects to test it shortly. The MBA will have 10-12 attorneys participate in the beta test. Practice management information as well as the judicial practices survey will be on that section.

## MBA Judicial Screening Committee Receives MBA Merit Award

The MBA thanks the **Judicial Screening Committee members** for their generous donation of time to screen 62 candidates for vacancies on the Multnomah County Circuit Court bench. Without their very able assistance, including meeting for three full days and conducting all the background work necessary, we would not have been able to forward a list of highly qualified candidates to the Governor on February 20.

Chair: Julia Hagan  
Vice Chair: Nancy Erfle  
Carol Bernick  
Steven Blackhurst  
Cedric Brown  
Beth Burczak  
Gregory Byrne  
Jeanne Chamberlain  
Brooks Cooper  
Nicole Deering  
Leta Gorman  
Vicki Guinn  
Joyce Hyne  
Everett Jack  
Robert Kline

Elizabeth Knight  
Frederick Lenzser  
Adella Macdonald  
Robert McGaughey  
Jeffrey Merrick  
Gregory Moawad  
Robert Newell  
Cynthia Newton  
Julia Olsen  
Sheila Potter  
Sharon Rudnick  
Brad Stanford  
Richard Vangelisti  
Elizabeth Wakefield

# Retrospective Profile - Judge Marshall Amiton, Multnomah County Circuit Court

By Jeffrey Bowersox, Bowersox Law Firm and Court Liaison Committee member.

**M**arshall Amiton was in trial in late 1984 when he received a message from Judge Bob Redding that "You have a call from the Governor." Upon returning the call, he found that he had been appointed to the bench. Judge Amiton was somewhat surprised because he did not really know Governor Atiyeh and he had not made any significant effort to be considered for appointment to the District Court Bench. Judge Amiton was later appointed to the Circuit Court by Governor Barbara Roberts and has served on the Multnomah County Bench for 24 years.

Judge Amiton grew up in Portland and graduated from Grant High in 1963. He obtained his degree in political science in 1967 from PSU and his Juris Doctorate from Willamette in 1970. Judge Amiton has been married for 43 years and has two adult children, a son who lives on the East Coast and a daughter who lives in Portland.

During law school, Judge Amiton was immediately attracted to the interesting and constitutionally significant issues that constitute a major part of a criminal law practice. He knew that he wanted to practice with a criminal defense firm and upon graduation from Willamette, he came to Portland and "started knocking on doors."

He ultimately joined a partnership doing criminal defense work until 1980, at which time he opened a solo practice criminal defense. During the past 24 years on the Bench, Judge Amiton has handled a wide breadth and depth of civil and criminal cases. He was part of the death penalty panel for five years. That responsibility weighed heavily on him and he describes it as one of the most intense judicial experiences imaginable. The stakes are high and the legal advocacy and scholarship on behalf of both the prosecution and the defense is superb.

Because of the current budget crisis and the anticipated cuts in the judicial budget, Judge Amiton, along with retiring judges Dale Koch and Frank Bearden, will probably remain active in their judicial positions through June or July, 2009, rather than leaving the bench at the end of February as anticipated.

Once retirement actually begins, Judge Amiton intends to "test the proposition" that his current golf handicap of 13 is a result of not being able to play frequently enough. With any luck, he'll have his handicap down by this time next year.

In addition to finally getting a little more time for golf, he hopes that he and his wife will be able to

expand their travel opportunities. Although he loves Portland and has enjoyed living here, he always looks forward to his trips to New York City. Judge Amiton and his wife very much enjoy the "big city" scene, including plays, dining and sightseeing.

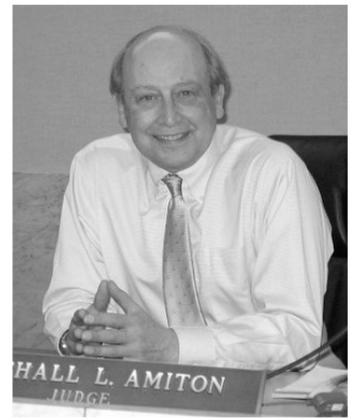
Asked for a "glory day" story, Judge Amiton has one that Oregon sport fans should appreciate. While a sophomore at Grant High he set the city record for junior varsity high hurdles, beating a record previously held by Mel Renfrow. The smile in his eyes was obvious as Judge Amiton deadpanned, "of course, Mel went on to bigger and better things." Trial lawyers who have appeared in Judge Amiton's courtroom would agree that the public interest has been well served by Judge Amiton's choice of a judicial career over that of a sports figure.

Judge Amiton has been very favorably impressed by many of the members of the bar who have appeared in his courtroom over the years. He mentioned several well-known trial lawyers from Portland and outlying areas of the state who have tried cases in his courtroom. His conclusion was simple and direct: "I have learned over the last 24 years that there are local lawyers who can go head to head - and beat - anyone in the country."

Judge Amiton and Peter Richter have worked together teaching a trial advocacy course at Lewis & Clark Law School. Judge Amiton finds it intriguing as he looks over the classroom that someone in these classes will likely be the next great local trial lawyer.

Overall, Judge Amiton said that his judicial career has provided him with great satisfaction. He described it as the best job one could imagine. His judicial career has helped him fill personal career goals of being able to help people, be engaged in both the criminal and civil law practice and to watch lawyers act on behalf of their clients. Judge Amiton expressed that being a judge turned out to be a good fit for him. He enjoyed trial advocacy. However, on reflection over the years, he believes that he was better suited to a judicial career than an advocacy career. Not every judge would be a good trial lawyer or vice versa.

His advice to young (and not so young) litigators is succinct and born from years of experience watching trial lawyers in the courtroom. First, don't get in over your head by yourself. Have help in areas beyond your expertise. Two, whether you're a lawyer or a judge, remember: the case is not about you. Third, for judges - "Your authority ends when you leave the courtroom."



Judge Marshall Amiton

Don't presume to wear the mantle bestowed upon you by your judicial position anywhere other than in the courtroom.

Judge Amiton is looking forward to his continued active involvement in the legal community. He will be performing services for alternative dispute resolution, both in mediation and arbitration. Judge Amiton has a particular interest in construction defect litigation issues. In preparation for judicial and ADR services, he recently attended the Third Annual Judicial Symposium on critical issues in construction defects litigation. Judge Amiton was impressed by the balanced presentation that detailed core and critical issues for a judge, mediator or arbitrator to consider in these complex cases.

In addition to finishing up his Plan B judicial department commitments, Judge Amiton looks forward to continuing to work with members of the bar in his ADR practice over the coming years.

# Judy Danelle Snyder to Receive 2009 MBA Professionalism Award

By Cathy Keenan, Legal Aid Services of Oregon and MBA Professionalism Committee.



In 1978, Judy resigned from the District Attorney's office to establish her own law firm. While a sole practitioner, she developed her litigation practice and was frequently associated by other attorneys to serve as the lead trial attorney on cases. In 1983, she co-founded the firm of Hoevet, Snyder, & Van Duyn. Judy left that firm in 2002 to open her current firm, which focuses exclusively on civil litigation in the federal and state courts.

Praised by both plaintiff and defense counsel, she has been described as "calm and respectful," "a model for how a professional lawyer should function," and "accomplishing her client's goals without compromising the quality of her reputation." She is a "first rate lawyer who gets high marks for her honesty, ethics and professionalism." She is cooperative and works through contentious situations. Her nomination included letters of support from co-counsel, opposing counsel, her client and a court staff person involved in a two-month long trial last summer - all of whom gave her high praise. The court staff person described Judy as having "extreme intensity of forethought... self-discipline exuded from her."

Judy is active in many legal organizations, including the MBA (former President 1999-2000), OTLA (former President 1989-90), OSB Litigation Section (Executive Board), Professional Responsibility Board (Chairperson) and the Owen Panner Inn of Court. She received the Owen Panner Professionalism Award from the OSB Litigation Section in 2001 and the Distinguished Trial Lawyer Award by OTLA in 2001.

Noted for being a role model for young lawyers, former associates who worked with Judy credited her for encouraging them to be active in bar and volunteer activities. She spends a significant amount of time mentoring others. From all accounts, she is a model for what a professional lawyer should be.

The Professionalism Award honors men and women who exemplify the highest ethical standards and conduct in the practice of law.

Please join us at the Annual Meeting, Dinner and Judges Reception on May 7 to honor Judy.

## 2009 MBA Award of Merit

Recipients have an enduring commitment to the MBA's mission of promoting justice through service, education or leadership to the MBA, the legal profession and the community.

### Eric Waxler

Eric is being presented the award for his fundamental role in launching and chairing the MBA Pro Bono Pledge Task Force.

### JoLynne Zimmerman

JoLynne receives the award for her years of enthusiastic work on the annual CourtCare Fundraising Campaign.

### Judge Jerome LaBarre

Judge LaBarre was selected for this award because he was instrumental in founding the Judicial Outreach Committee and its Speakers' Bureau.

### Judge John Wittmayer

Judge Wittmayer, who wrote the *Multnomah Lawyer* "Tips from the Bench" column for four years, was given the award for continuing this popular column after Judge R.P. Jones, for which our members are truly grateful.

### Lisa Naito

The award is being given to Lisa for her efforts toward a new Multnomah County Courthouse.

### MBA Judicial Screening Committee

The 2008-09 MBA Judicial Screening Committee is being presented this award for its screening of an exceptionally large pool of candidates for positions on the 4<sup>th</sup> Judicial District bench.

# The Pros and Cons of Contract Lawyering: Part 2 of 2

By Aaron J. Cronan, YLS Futures Committee member.

This discussion about the pros and cons of contract lawyering continues from last month's article. We pick right up from where we left off.

**Pro/Con - Income:** The big pro of contract work is the potential to make more per hour of actual work than you can make in a firm. Add the benefits of self-employment expense write-offs and your hourly net rate can be a big improvement over a firm job. The con is that maintaining the steady flow of work to reach a gross income level equal to a firm job can be challenging. Your income is directly tied to the hours you work. Sometimes it can feel like printing money, while other times it can be a little lean. Skill at bringing in work is the main obstacle to the level of financial success. If you are not a self starter, contract work may not suit you.

**Con - Stigma:** Maybe "stigma" is a little too strong, but each person interviewed confirmed there is a persistent sense among firm attorneys that contract attorneys are somehow subpar. The negative perception can be quickly dispelled by exceptional work product and professionalism. The truth is, contract attorneys may not get the prestige of working at a big name firm, but they also have significant control over their personal lives. Firms may also have an incentive for perpetuating such negative opinions. Many contract

attorneys only needed to do a little math before realizing the grass was greener outside the firm. For some, the emotional costs like prestige and stigma may balance the equation in favor of the firm path. Those attorneys more interested in function over form may find the stigma surmountable.

**Pro - Diverse Practice:** Because of the potentially diverse sources of work, contract attorneys may be exposed to a wide range of matters. From complex litigation to transferring mineral rights, some practice areas are better suited to utilize contract attorneys, but there is no hard, fast rule that will block working in any single area.

**Con- Isolation/Lack of Mentorship:** Unlike a firm job, there is no partner down the hall to ask questions or take you under their wing. The default structure for a contract attorney is working by yourself. You must actively network and seek out peers to develop a professional support system and to develop new business. Professional organizations like the Multnomah Bar Association and the Oregon Women Lawyers (OWLS, also has male members) can be great assets for countering isolation. It may take a little more effort than walking down the hall, but there is support to be found.

This list of pros and cons barely scratches the surface of the issues contract lawyering raises. The



motivations for practicing law as a contract attorney are varied and may impact how an attorney enters the market. The initial interviews suggest sociological factors of gender and generation may be framing the decision to make the jump to contract work. An attorney's experience level will greatly shape the type of work other attorneys will offer him or her. Finally, there are greater market factors to explore like the impact of contract work on viability of full time positions and the economic drivers for utilizing contract attorneys.

Call it a totally unsubstantiated hunch, but contract lawyering is likely to become a more common topic of conversation in the next few years.

Special thanks to Norma Freitas, Kathy Foldes, Heidi Strauch and Phil Griffin for contributing their thoughts and experience to this article.



## Annual YLS Judges Social and CourtCare Fundraiser

The YLS will hold its annual Judges Social and CourtCare fundraiser on April 30. The social will be held at Trees in the PacWest Center from 5:30-7 p.m. and is generously sponsored by Schwabe Williamson & Wyatt. Please join fellow young lawyers and federal and state court judges for this casual opportunity to network and socialize.

The YLS will also sponsor a raffle drawing at the event to benefit CourtCare at the Multnomah County Courthouse. CourtCare is a free, on-site, drop-in childcare center for families who must bring children with them to the courthouse. Raffle tickets will be on sale at the event. They can also be purchased prior to the event at the MBA office or from YLS Membership Committee members. You do not need to be present at the drawing to win.

**What:** YLS Judges Social & CourtCare Fundraiser  
**Where:** Trees, 1211 SW 5<sup>th</sup> Ave., Portland  
**When:** Thursday, April 30 from 5:30-7 p.m.

Please mark the date and spread the word. See you there!

## YLS Law Student Open House

The YLS Membership Committee organized an Open House for law students which took place on February 26. The event was held at and generously sponsored by Davis Wright Tremaine. Students from all three of Oregon's law schools attended the event and socialized with YLS Board and committee members. Thank you, Davis Wright Tremaine!



## YLS Selects Award Recipients

By Andrew Schpak, YLS President.

I am pleased to announce the individuals who the YLS has selected to receive the YLS Award of Merit and the Rookie of the Year Award this year. The awards will be presented at the MBA Awards Dinner on May 7. All of this year's winners stand out as incredible volunteers who have dedicated tremendous time and energy to the YLS and its mission (to provide leadership opportunities and professional development for young lawyers and to involve them in pro bono and public service).

### Award of Merit recipients

#### Colin Andries

Colin has served on the YLS Membership Committee for three years. Over the past year, he has acted as its chair. Although the committee has always done excellent work, it has set a new standard this year. On top of planning the monthly socials, the committee organized new events, including a tour of an exhibit at the Portland Art Museum as well as an event last month with author Jeff Benedict. Colin has led the impressive group of volunteers while encouraging



Colin Andries

new ideas and building in time to socialize and network.

#### Cashauna Hill

Cashauna has served on the YLS Service to the Public (STP) Committee since 2005. She currently serves as co-chair of the Imprint Program and she has helped keep that program running for years. She has been helping plan a Community Law Week speaker event that will be open to the public. She was recently selected to be a board member of the Multnomah Bar Foundation,

and she currently serves on the board of directors of Oregon Women Lawyers and the Interstate Firehouse Cultural Center. Despite a busy schedule and many demands on her time, Cashauna has found time to volunteer with the YLS ever since she graduated from law school and her work has always been top notch.

#### Bernadette Nunley

Bernadette was thrown into the proverbial fire this year. The YLS Futures Committee began meeting last fall, and it needed a chair to



Cashauna Hill

help guide the group through its formative period while allowing the committee to remain agile enough to incorporate new ideas and focus on changing issues. She became chair of the new committee after a couple meetings,



Bernadette Nunley

even though it was her first year of being actively involved in the YLS. She has done an excellent job as chair, and the Futures Committee has developed a charge, drafted articles that appeared in the *Multnomah Lawyer* and reached out to other organizations in order to coordinate efforts. It would



Dallas DeLuca

have been easy for the Futures Committee to lack direction and become ineffective, but Bernadette has helped ensure that the committee has blossomed.

#### Rookie of the Year Award recipient

#### Dallas DeLuca

Upon moving to Portland after attending law school and briefly practicing law in New York City, Dallas promptly joined the YLS Membership Committee and his impact was immediate. Dallas has thought "outside of the box" and

Continued on page 11

# Community Law Week A Preview and Call for Volunteers

By Aaron Bass, Sather, Byerly & Holloway, LLP and Community Law Week Chair.

Community Law Week is an annual effort of the YLS Service to the Public Committee designed to provide legal education, access and assistance to the public. Every year, the committee organizes and hosts a week of activities centered around ABA Law Day, held annually on May 1. The theme for this year's Community Law Week is *A Legacy of Liberty: Celebrating Lincoln's Bicentennial*. 2009 marks the bicentennial birth of Abraham Lincoln, regarded by many as our nation's greatest and most eloquent president.

In recognizing Lincoln's commitment to forge a nation based on the principles of liberty and equality for all individuals, Community Law Week includes several public outreach events. These events, made possible by volunteers from within our legal community enhance the public's understanding of liberty and celebrate Lincoln's effect on our nation and our constitutional democracy. I hope you'll join us in celebrating our communities, civic education, and the MBA YLS this Community Law Week, April 27-May 2, by volunteering your time to any one of the projects listed below. You may contact the individuals listed below, sign up to volunteer or find details for any of these events at [www.mbabar.org/community-law-week](http://www.mbabar.org/community-law-week).

**YOUthFILM Project:** The YLS YOUthFILM Project Committee sponsors this project. The filmmaking contest provides students an opportunity to express themselves creatively, while learning more about our government and justice system. Students enter by producing

a short film or video based on this year's themes: *A Legacy of Liberty: Celebrating Lincoln's Bicentennial and Oregon's 150<sup>th</sup> Birthday*. Top films will be screened for the public at the Hollywood Theatre in Northeast Portland on April 28 at 6:30 p.m. Prizes will be awarded at that time by honorary guests, including Oregon Supreme Court Chief Justice Paul J. De Muniz. Please see visit [www.theyouthfilmproject.org](http://www.theyouthfilmproject.org) for details. For more information or to attend this exciting event, contact Judy Parker at [japarker@schwabe.com](mailto:japarker@schwabe.com) or 503.222.9981.

**Legal Information Booths:** Booths will be set up in various locations in Multnomah County April 27-May 2. Volunteers are needed to interact with the public at these legal information booths (don't worry - volunteers won't be giving legal advice, merely listening to citizens and informing them about legal services). Contact Erin Fitzgerald at [eringault@gmail.com](mailto:eringault@gmail.com) or 503.336.3489.

**Tell it to the Judge:** Join Multnomah County Circuit Court judges at the Lloyd Center Mall on May 2 from 12-3 p.m. and encourage citizens to speak with the judges about their questions or opinions regarding the courts and legal system. Volunteers are needed to facilitate the public discussion sessions with the judges. Contact Derek Green at [derekgreen@dwt.com](mailto:derekgreen@dwt.com) or 503.778.5264.

**Dress for Success:** Donate clothes or become a firm captain for this clothing drive that benefits low-income women by providing suits and professional outfits for qualifying women who

seek to develop their careers. Volunteers are also needed to help collect the donated clothing. Contact Cortney Duke at [cortney@water-law.com](mailto:cortney@water-law.com) or 503.281.4100.

**Community Speaker Event:** Join us on Friday, May 1 from 4:45-5:30 p.m. at the Multnomah Central Library (801 SW 10<sup>th</sup> Ave.) in the US Bank Meeting Room where we will be hosting an evening open to the public featuring Attorney General John Kroger. Contact Cortney Duke at [cortney@water-law.com](mailto:cortney@water-law.com) or 503.281.4100 or Cashauna Hill at [cmhill@wileslawgroup.com](mailto:cmhill@wileslawgroup.com) or 503.226.3515 for more information.

Community Law Week would not be possible without our generous sponsors. Thank you to **Ater Wynne, Barran Liebman, Stoel Rives, Lane Powell, Meyer & Wyse, Pacific Northwest Paralegal Association and Scheer, Byerly & Holloway** who have already committed to sponsoring Community Law Week. It's never too late to become a sponsor or volunteer! If you or your organization is interested in sponsoring this year's Community Law Week, please contact Slone Pearson at [spearson@hagenoconnell.com](mailto:spearson@hagenoconnell.com) or 503.227.2900 or Katherine de la Forest at [kdelaforest@hagenoconnell.com](mailto:kdelaforest@hagenoconnell.com) or 503.227.2900.

And be sure to look for the Community Law Week light post banners in downtown Portland from April 2 to May 6. The banners were provided by Barran Liebman and Cosgrave Vergeer Kester in 2005.

## PRO BONO VOLUNTEERS

Thanks to the following lawyers and law students, who donated their pro bono services in February via the Volunteer Lawyers Project, the Senior Law Project, Community Development Law Center, law firm clinics, the Oregon Law Center, the Nonprofit Project, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark's Small Business Legal Clinic, Children's Representation 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](http://www.mbabar.org/docs/ProBonoGuide.pdf).

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Evans Van Buren  
John Vandenberg  
Justice Van Hoomissen  
Lillian Watson  
Beate Weiss-Krull  
George Williams  
Joe Willis  
Amber Wolf  
Terry Wright

## Volunteers help OFB with Emergency Food Boxes

On Saturday, January 24 and Wednesday, February 18, the YLS Service to the Public Committee hosted two Community Project Days at the Oregon Food Bank (OFB). Attorneys brought their significant others, children and friends to the OFB's Volunteer Action Center to help repackage food for emergency food boxes. Approximately 40 YLS volunteers helped to make both days a success.

Emergency food boxes are distributed to various hunger-relief facilities through the OFB - the major distribution hub for the state of Oregon and Clark County, Washington. In 2008, the OFB distributed nearly 800,000 emergency food boxes. If you are interested in volunteering at the OFB Volunteer Action Center or want more information, visit [www.oregonfoodbank.org](http://www.oregonfoodbank.org).

## YLS Award Recipients

*Continued from page 10*

brought new ideas to the committee. Among his many contributions, he came up with the idea of a Portland Art Museum tour and organized the event, which quickly sold out and has been one of the committee's most successful events this year. Dallas also arranged for the author of the book the exhibit was based on to speak to the group before the tour. He secured a venue for the presentation as well as food and drinks for the attendees. Dallas has already accomplished impressive feats in his first year of involvement with the YLS and we look forward to working with him more in the coming years.

## Help Homeless Pets Find Homes

The YLS Service to the Public Committee has a volunteer event planned with the Oregon Humane Society on Saturday, April 18 from 1-3 p.m. Family, friends and children over the age of 12 are welcome to join us. This volunteer session will give the animals the attention they need and the social skills to help them find new homes. To volunteer at the Oregon Humane Society or for more information, please email Gina Delahunt at [gdelahunt@ueainc.com](mailto:gdelahunt@ueainc.com).

If you have any ideas for future volunteer events, please contact the YLS Service to the Public Committee Chair Olivia Zirker at [ozirker@mossadams.com](mailto:ozirker@mossadams.com).

## YOUthFILM Project 2009 Premiere at the Hollywood Theatre

The public is invited to join hundreds of students, parents and volunteers for the YOUthFILM Project 2009 Premiere at the Hollywood Theatre in Northeast Portland on Tuesday, **April 28**, at 6:30 p.m. The YOUthFILM Project, an annual student filmmaking contest presented by the YLS, gives students the opportunity to show off their creativity, knowledge and skills by producing short films on civics issues.

This year's top films will be featured at the screening. The 2009 contest celebrates two themes: ABA's 2009 Law Day Theme, "A Legacy of Liberty: Lincoln's Bicentennial and Oregon's Sesquicentennial of Statehood." Prizes will be awarded by honorary guests, including Oregon Supreme Court Chief Justice Paul J. De Muniz. Prizes include iPod Shuffles™, gift cards to the iTunes



Store™ and movie tickets. All participants are entered into a drawing for an iPod™ Nano and other prizes.

Now in its third year, the YOUthFILM Project has proven to be a great success. Last year more than 100 applications were received from throughout Oregon, including Portland, Scappoose, Sisters and Salem. Also, the ABA Young Lawyers Division recently awarded the YLS a "Certificate of Performance" for the YOUthFILM Project's achievements.

Mark your calendars for this fun and inspiring event!

## Conflict Resolution

Continued from page 7

mediation and training lawyers and law students for over 25 years. Much of Professor Riskin's work has centered on mindsets with which lawyers and other dispute resolvers approach their work. He has published numerous articles in academic journals and popular publications and newspapers and books on dispute resolution. He has received awards for his work on the subject. Riskin has practiced mindfulness meditation since 1990 and has completed teacher training at the University of Massachusetts Medical Center. He received a J.D. from the University of Wisconsin-Madison and an LL.M. from Yale. In addition to his academic work, he served as a trial attorney and general counsel.

*Details and registration information may be found at [www.mbabar.org](http://www.mbabar.org) and in two inserts inside the newsletter. The April 28 workshop will take place at the Standard Insurance Center. The main program on April 29 will take place at The Governor Hotel and include breakfast and lunch.*



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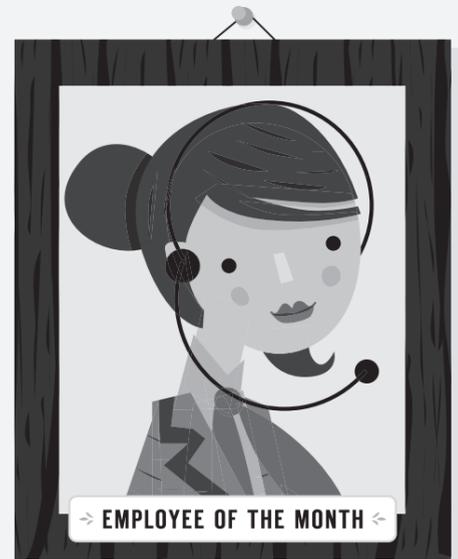
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FOR PUBLIC SERVICE  
**Barbara Aldave**



Director of the Law School's  
Center for Law & Entrepreneurship  
and Loran L. Stewart Professor of Business



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Professor Aldave is an expert in business law, which she has taught for nearly 40 years. Although her academic specialty is business, Professor Aldave has an equal passion for the public interest.

Most notably, Professor Aldave is a founder of The Portia Project, which assists prison inmates, particularly women, and their minor children. She has also been active in many other social justice organizations.

Professor Aldave's efforts to educate future lawyers, to support the work of Oregon's entrepreneurs, and to champion the cause of justice are a credit to the school and to the legal community.



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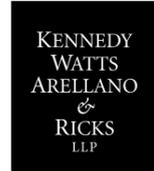
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*and*

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# Spotlight: New Multnomah Bar Foundation (MBF) Directors

By Carol A. Hawkins, Executive Assistant and Communications Administrator and Pamela B. Hubbs, Office and Foundation Administrator.



**Loree A. Devery** is the Director of Marketing, Recruiting & Professional Development at Tonkon Torp LLP, where she practiced law for 10 years. She earned her law degree from U.C. Berkeley (Boalt Hall). Loree is a member of Oregon Minority

Lawyers Association and is a member and past president of Oregon Legal Recruiters Association. Loree says, "It is an honor to be asked to serve. . . . I am excited at the prospect of working with my fellow board members as we strive to fulfill the mission of the Foundation. I am particularly looking forward to identifying and supporting programs and projects which will promote civics education and increase the public's understanding of the legal system."

**Margaret D. Kirkpatrick** is General Counsel at NW Natural Legal Department. She obtained her law degree at Lewis & Clark Law School. Margaret is the Chair of the Associated Oregon Industries Education and Workforce Steering Committee and serves on the Oregon Business



Plan Steering Committee. From Margaret, "My legal career has enabled me to work with wonderful people around the state on important and incredibly interesting issues, from land use and energy policy to the challenges facing our public education system.

By working with the Foundation Board, I hope to give a bit back to the profession and community that have been so good to me."

**Christine L. (Tina) Zemina**, of Bateman Seidel et al, practices environmental, natural resources and general commercial litigation law. She received her law degree from Boston College Law School. Tina is on the Gus J. Solomon Inn of Court, the Children's Relief Nursery Auction Procurement Committee and participates in the YLS Imprint Program. Tina says, "I am very excited to join such a distinguished group of attorneys in furthering the Foundation's important mission. . . . The public seems to have become largely disillusioned with politics and the law and I hope that through our work and the work of our



grantees we can restore some of that lost faith."

Projects supported by the MBF may be found at [www.mbabar.org/foundation.htm](http://www.mbabar.org/foundation.htm). Contact Pamela Hubbs at 503.222.3275 or [pamela@mbabar.org](mailto:pamela@mbabar.org).

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