



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community. January 2009 Volume 55, Number 1



I Am The (Pro Bono) Walrus

By Michael Dwyer, MBA President.

Surely we lawyers are more evolved than vampire bats. Yet in at least one significant way, we may have work to do in 2009 to live up to their standards of selflessness.

Vampire bats regurgitate blood and donate it to other members of their group who have failed to feed that night so that they do not starve. In evolutionary biology, this is a supreme example of altruistic behavior, which is characterized as a behavior by an organism that benefits other organisms, at a cost to itself.

Other species similarly display altruistic behaviors. In numerous bird species, "helper" birds assist breeding pairs raise their young by protecting the nest and helping to feed the fledglings. Vervet monkeys warn fellow monkeys of the presence of predators with alarm calls, even though they attract attention to themselves and increase their personal risk of being attacked. In social insect colonies (such as bees, ants, and termites), sterile workers do nothing but care for the queen, constructing and protecting the nest, foraging for food, and tending the larvae. In all these cases, the individual's own chance of survival and reproduction is sacrificed for the good of the community. *Pro bono publica, par excellence.*

Why would they do this? According to biological evolutionary theorists, altruism is advantageous at the group level, where a multitude of altruistic members, who subordinate their own needs for the greater good of the group, may have a survival advantage over a group composed of selfish organisms.

While subject to genetic influences, *Homo sapiens* (I think it is fair, notwithstanding our critics and the proliferation of jokes in our culture, to include lawyers in the species) are influenced by culture to a greater extent than other animals, and of course can modify action with the aid of conscious thought. Because of that, the concept of altruism in humans requires consideration of intention and motivation. This allows humans to engage in choices unavailable to bats, monkeys, birds, and social insects. We have the freedom to choose whether to act in a way that maximizes only our individual lives, or to act in a way that also benefits our communities.

More and more, however, we question individual choices made without consideration of the wider community. On a globalized planet, we now appreciate the catastrophic effects of our failure to recognize our interdependence. Every act, it seems, creates ripples and waves that affect everyone everywhere. Scientists understand this, not only those scientists studying the planet's interconnected ecosystems, but neuroscientists studying mirror neurons, and quantum physicists studying the phenomenon of quantum entanglement (that is, quantum states of two or more objects which are linked together so that one object can no longer be adequately described without full mention of its counterpart - even though the individual objects may be spatially separated).

Even if we were to jettison all religious belief, we are left wondering whether the ancient sages had it right on the grounds of physics alone: there is no "I" in here to choose, no separate "you" to cast out as "other." The distinction between us is merely a product of smoke and mirrors, tricks of mind. Or, in the words of Lennon and McCartney, "I am he as you are he as you are me and we are all together."

I don't know if we lawyers are genetically or culturally an altruistic bunch or not. I suspect my appeals to locate our altruistic seeds on grounds of interdependence, and to pitch in for the good of the community, may hit home with some and fall on concrete ears for others. But this I do know. We lawyers are one competitive subspecies who will not bow down to other species without one helluva fight. And that's why I say: forget the high road. Let's get down and dirty and show those bats and monkeys, birds and bugs, who's top dog in the kingdom of altruism. Show them there is no more altruistic species than humans, and no more altruistic subspecies than lawyers.

Over the last seven years, the number of people living in Oregon at 125% of the federal poverty income level has grown from 500,000 to nearly 700,000. Low-income people now account for 18.9% of Oregon's overall population. With 100 legal aid attorneys in the state, representing 1% of the bar, we have one legal aid attorney for every 7,000 income eligible clients. Closer to home, our Legal Aid office faces an overwhelming demand for legal services that cannot be met by staff attorneys. The Volunteer Lawyer Project (VLP) serves close to 1,700 people per year through the efforts of 300 volunteer attorneys. And yet this does not fill the need. Nor do these numbers reflect the need that will be created in the months ahead as the recession deepens.

There are lots of opportunities to win (steal!) the prize for top altruist. In the VLP alone, you can volunteer for the Bankruptcy Clinic, the Community Development Law Center, the Domestic Violence Project, The Pro Se Assistance Project, the Senior Law Project and Legal Aid Night Clinic. Young Lawyers can volunteer for Attorneys for Youth or the Nonprofit Project. Other opportunities abound - OSB programs, St. Andrew.

For example, the Bankruptcy Clinic is a successful partnership between VLP and the OSB Debtor-Creditor Section. They recruit and schedule volunteer lawyers, and locate and pay for the physical space to hold the clinic. Each year the section recognizes the volunteers at a recognition event in Bankruptcy Court. They also hold CLE seminars for current and new volunteers. Mentors are provided. Judge Elizabeth Perris (recently honored by the OSB for her work in the Archdiocese sexual abuse bankruptcy cases) sits on the committee, speaks at the clinic during informational sessions and personally recruits lawyers to volunteer.

As in any heroic struggle, along the way we will no doubt have to confront bat guano. It will loom before us in the guise of mandatory billable hours, time pressures, partnership tracks that discount pro bono.

Continued on page 6

MBA CLE

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

January

Wednesday, January 21

Scientific Evidence Admissibility

Linda Eyerman
Jonathan Hoffman

Tuesday, January 27

Navigating the Mortgage Crisis

Kristena Anderson
Adam Bialosky
Keith Karnes
Mark Wada

February

Wednesday, February 18

Using Technology to Help Make Your Case

Peter Richter
Troy Moody

Thursday, February 19

Washington and Clackamas Presiding Court Update

Judge Steve Maurer
Judge Thomas Kohl

Tuesday, February 24

Annual Family Law Update

Judge Nan Waller
Tom Bittner
Gary Zimmer

Wednesday, February 25

Trial of a Construction Defect Case

Dean Aldrich
Richard Kuhn

In This Issue

The Corner Office.....	p. 3
Calendar.....	p. 3
Announcements.....	p. 4
Ethics Focus.....	p. 4
WinterSmash.....	p. 5
Around the Bar.....	p. 7
Tips from the Bench.....	p. 8
News from the Court.....	p. 8
YLS.....	p. 10
Classifieds.....	p. 14
Multnomah Bar Foundation....	p. 16

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MBA open house mark your calendars february 24

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Select wines and hors d'oeuvres will be served.

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*or the preceding Friday, if on a weekend.

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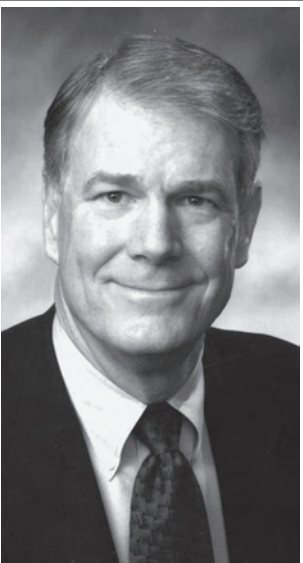
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The Corner Office

As lawyers, we have all been granted the privilege of practicing law in our community. That privilege also carries with it the responsibility for protecting and enhancing access to justice. Pro bono service is one way in which we can fulfill our responsibility to our communities and our profession. While provision of pro bono services is entirely voluntary in our state, the OSB has an aspirational standard for lawyers to provide 80 hours of pro bono services, with at least 20 to 40 hours (or two cases) of direct legal services to the poor each year. ABA Model Rule 6.1 regarding voluntary pro bono services states, "Every lawyer has a professional responsibility to provide legal services to those unable to pay."

MBA members have traditionally supported pro bono legal services, both with their time as well as with generous contributions to organizations such as the Campaign for Equal Justice and St. Andrew Legal Clinic. MBA lawyers and law firms have enthusiastically signed the MBA Pro Bono Pledge to take one legal matter each year that helps a person of limited means or an organization serving persons of limited means. Our lawyers' commitment is evident in the numerous hours donated by individual lawyers and law firms.

Yet providing pro bono legal services is not enough. Nearly

700,000 Oregonians qualify for legal aid services, because their income levels are at or below 125 % of the federal poverty level. Although the Campaign for Equal Justice successfully raised over a million dollars last year, Legal Aid Services of Oregon and Oregon Law Center were able to meet just 20% of the legal needs of these Oregonians. Federal funding has flattened and with the worsening economy, we can expect the number of impoverished Oregonians qualifying for legal aid services to increase. Many of our neighbors may lose their homes, their jobs and their dignity in the months ahead if the recession deepens.

When we provide greater and equal access to the legal system, the integrity of our profession benefits. A 2000 statewide legal needs study found that 70% of respondents represented by a legal aid attorney had a favorable view of the legal system, even when the issue was not resolved in their favor. Of respondents who did not have access to legal counsel, 75% had an unfavorable view of the legal system. The MBA Commitment to Professionalism commits us to supporting the effectiveness and efficiency of the legal system. That means, among other things, that access to that system is protected, even for those who cannot afford to pay for it. Providing access to our system enables Oregon's poorest citizens to defend their rights, protect their families and secure the benefits to which they are entitled.

Oregon is a pioneer and leader in legal aid fundraising nationally, with Multnomah County lawyers leading the charge. There are many ways MBA lawyers can help. Sign the MBA Pro Bono Pledge and take on a pro bono client in 2009. Give generously to the Campaign for Equal Justice and St. Andrew Legal Clinic. Volunteer your time and resources to a nonprofit board or committee. Use a "Leadership Bank" for your IOLTA account. Understand how legal aid services are funded and delivered in your community. If each of us committed to do these things, our profession could meet the rising need in our community.

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.

January

- 6**
Tuesday, MBA Board meeting
- 7**
Wednesday, YLS Drop-in Social
See p. 10 for details.
- 8**
Thursday, YLS Social and Portland Art Museum Tour
See www.mbabar.org for details. Event sold out.
- 9**
Friday, February Multnomah Lawyer deadline
- 12-16**
Monday-Friday, RCL Portrait Design Photo Sessions at MBA
Call 800.580.5562 to schedule an appointment.
- 15**
Thursday, YLS Pro Bono Fundraiser at Square Deal Wine Company
See www.mbabar.org for details.
- 19**
Monday, Martin Luther King Jr. Day – MBA closed
- 21**
Wednesday, MBA CLE Scientific Evidence Admissibility
See insert or register at www.mbabar.org.
- 22**
Thursday, YLS Board meeting
- 24**
Saturday, YLS Community Service Day at the Oregon Food Bank
See p. 10 for details.
- 27**
Tuesday, MBA CLE Mortgage Crisis
See insert or register at www.mbabar.org.
- 29**
Thursday, YLS Community Service Day at the Oregon Food Bank
See p. 10 for details.

February

- 3**
Tuesday, MBA Board meeting
- 7**
Saturday, YOUthFILM kickoff
See p. 11 for details.
- Saturday, WinterSmash at 20th Century Lanes**
See p. 5 for details.
- 10**
Tuesday, March Multnomah Lawyer deadline
- Tuesday, deadline MBA Board Election Petition deadline**
See p. 4 for details.
- 16**
Monday, Martin Luther King Jr. Holiday – MBA closed
- 17**
Tuesday, YLS Board meeting
- 18**
Wednesday, MBA CLE Trial Technology
See insert or register at www.mbabar.org.
- 19**
Thursday, MBA CLE Washington/Clackamas County Presiding Courts Update
See insert or register at www.mbabar.org.
- 24**
Tuesday, MBA Open House
See p. 1 for details.
- MBNA CLE - Annual Family Law Update**
See insert or register at www.mbabar.org.
- 25**
Wednesday, MBA CLE Construction Defects
See insert or register at www.mbabar.org.
- 26**
Thursday, YLS Professional Development Seminar - Sustainability
See insert or register at www.mbabar.org.

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MBA 7th Annual wintersmash
A Family Friendly Bowling Event
saturday, february 7
6-9 p.m.

20th Century Lanes
3350 SE 92nd
10 minutes from downtown Portland
A Multnomah CourtCare fundraiser

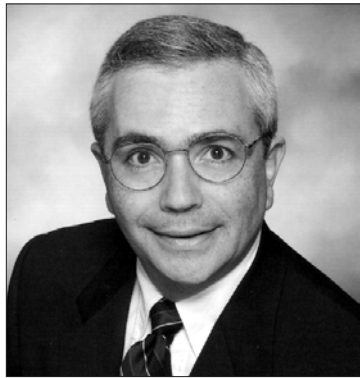
See insert and page 5 for details.



Ethics Focus

By Mark J. Fucile, Fucile & Reising.

First Among Equals: The Dishonesty Rule



Just over 100 years ago, the ABA adopted the first set of national professional rules. The ABA Canons of Professional Ethics included a rule entitled “The Lawyer’s Duty in its Last Analysis.” It read, in part: “But above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty[.]” Lawyers have always been expected to carry out their duties with honesty.

The duty of honesty has many sources: the Rules of Professional Conduct, principally RPC 8.4(a)(3), which is often called simply “the dishonesty rule;” the OSB formal ethics opinions, which apply the dishonesty rule to a wide variety of practice settings; specific statutes directed to lawyers, primarily ORS 9.460(2), which addresses honest dealings with courts, and ORS 9.527(4), which authorizes disbarment and other regulatory sanctions for “willful deceit” in the practice of law; general statutory law proscribing such crimes as forgery, perjury, criminal fraud and bribery; the common law fiduciary duty of honest dealings with clients; and regulatory case law dealing with lawyers, principally multiple decisions of the Oregon Supreme Court.

RPC 8.4(a)(3), like its similar counterpart under the former Disciplinary rules, DR 1-102(A)(3), prohibits lawyers from engaging in “conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer’s fitness to practice law.” The sweep of the rule is broad in three ways.

First, it covers conduct arising both directly in the practice of law and conduct beyond practicing law (including private conduct) that “reflects adversely on the lawyer’s fitness to practice law.”

Second, the rule cuts broadly across practice areas, with reported Oregon cases involving private practitioners, government attorneys and in-house counsel.

Third, as to misrepresentation in particular, it applies to both affirmative misrepresentations (as long as they are made knowingly) and to misrepresentations by omission (again, as long as they were made knowingly).

The “easy” cases in terms of applying the rule are those

involving lawyers who outright lie, cheat or steal and cause significant injury in the process. These situations often result in a one-way ticket to a new line of work.

The more difficult cases are the more nuanced. These cases often involve alleged misrepresentations by lawyers who are attempting to advance their clients’ interests rather than their own. In these situations, there are often two critical questions: (1) *was the statement by the lawyer actually a misrepresentation?* and (2) *even if so, did the lawyer know that?* The Supreme Court has wrestled with these twin threads in several cases over the past decade. Necessarily, the outcome in any given case is fact-specific.

In one recent case, the Supreme Court summarized its analytical framework. Although the case involved former DR 1-102(A)(3), the general framework articulated by the Supreme Court should apply with equal measure under RPC 8.4(a)(3):

“For purposes of DR 1-102(A)(3), the initial focus is on the truth or the falsity of the fact asserted.

“DR 1-102(A)(3) provides that ‘[i]t is professional misconduct for a lawyer to * * * [e]ngage in conduct involving dishonesty, fraud, deceit or misrepresentation[.]’ Evaluating misrepresentation involves a two-part inquiry: (1) whether the lawyer knew that the lawyer’s statement was a misrepresentation; and (2) whether the lawyer knew that it was material.” *In re Fitzhenry*, 343 Or 86, 101, 162 P3d 260 (2007) (citations omitted); *see also In re Cobb*, 345 Or 106, 120, 190 P3d 1217 (2008) (discussing the related, but more subtle, concept of simply “dishonest” conduct).

RPC 1.0(h) now defines “[k]nowingly,” “known,” or “knows” [as] ... actual knowledge of the fact in question[.]” It goes on to note, however, that “[a] person’s knowledge may be inferred from circumstances.” *In Fitzhenry*, the Supreme Court defined materiality for purposes of this analysis as a misrepresentation that “would or could significantly influence the hearer’s decision-making process.” *Id.* (citation omitted).

ANNOUNCEMENTS

MBA Membership Renewal Time

Please continue your MBA membership. We make it easy. Just go to <https://www.mbar.org/membership.php> and renew online or print a hard copy and fax to the MBA. Your membership helps strengthen your legal community.

MBA Open House February 24 Mark Your Calendars

Please join us for the annual open house, Tuesday, February 24, 4-6 p.m. Special wines and hors d’oeuvres will be served.

Uniting to Understand Racism (UUR) Presents Awards

February 19 at Downtown Embassy Suites is the UUR 10th Anniversary Awards Dinner, honoring Avel Gordly, Chief Justice Paul J. De Muniz, and Portland General Electric. For information, email understandingracism@qwestoffice.net.

Federal Bar Association January Luncheon Features Judge Janice M. Stewart

The FBA January 15 luncheon will feature Judge Janice M. Stewart, who will speak about her work with the District of Oregon’s Pro Bono Panel, a program that works to provide better judicial access for pro se litigants.

Judge Stewart has spearheaded an effort to revitalize the district’s pro bono panel and

develop a process for court case referrals involving pro se plaintiffs to volunteer counsel. The judge has made substantial progress in developing a system for screening and referring pro se cases and has been garnering support from local law firms to provide attorneys for the pro bono program.

For more details or to RSVP, contact Ann Fallihee, afallihee@barran.com or 503.276.2129.

Oregon Criminal Defense Lawyers Association Seminar

A new lawyers seminar is being offered at the Portland World Trade Center on January 24. Visit www.ocdla.org for details.

MBA Noon Time Bicycle Rides

Noon time bicycle rides - short fast rides with hills. Meet at SW Yamhill and Broadway between noon and 12:10 p.m. on Mondays and Thursdays. Contact Ray Thomas 503.228.5222 with questions, or meet at the start.

Columbia River Gift of Adoption Chapter Seeks Board Members

The Gift of Adoption Fund is a national 501(c)3 organization that inspires adoptions by giving grants that assist the 140 million children worldwide in need of families and qualified parents yearning to adopt. The Columbia River Chapter, located in Portland, is actively recruiting board members to assist with fundraising and awareness efforts. Contact Tina Rounds at trounds@giftofadoption.org or 877.905.2367 for more information.

OSB AAP Employment Retreat January 24 at Lewis & Clark Law School, Wood Hall

The 11th annual Employment Retreat is open to minority law students and law graduates. Highlights include: Veteran clerks present their summer experiences; job hunting dress, protocol, and land mines; mock interviews (bring your resume); employer forum - students meet and “check out” Oregon law firms. For more information, contact Frank Garcia, Jr., Diversity Administrator, OSB, at 503.431.6337; 800.452.8260 (ext. 337) or fgarcia@osbar.org.

FDIC Protects Client Funds in IOLTA Accounts

The Federal Deposit Insurance Corporation clarified the Temporary Liquidity Guarantee Program to include Interest on Lawyer Trust Accounts (IOLTA). Consistent with its mission to ensure stability in the banking community, the agency has acted to protect client funds and assure continued funding for programs that provide legal aid to poor people when economic uncertainties make the need for legal guidance most critical. As a result of the FDIC action, an individual client’s funds deposited in IOLTA are fully insured, regardless of the amount.

MBA Board Elections

The MBA bylaws provide for a slate of candidates to be presented to the membership at least 60 days prior to the annual meeting. The slate of candidates and the ballot insert will be included in the March issue of the *Multnomah Lawyer*.

The bylaws also allow for nominations from the membership at large. A nominating petition, endorsed by the nominee and at least 10 other MBA members, must be received by 5 p.m. on Tuesday, February 10, in the MBA office. Ballots will be included with the March newsletter; they will be due to the MBA office by 5 p.m. on Wednesday, April 1. Winners will be officially announced at the MBA Annual Meeting on Thursday, May 7.

The “easy” cases usually don’t involve sophisticated legal lessons for the rest of us because they involve simple but central values that we should have learned as children. The more nuanced situations provide cautionary illustrations of how even lawyers who thought they were protecting their clients’ interests found themselves on the wrong side of the bar. With both, “The Lawyer’s Duty in its Last Analysis” offered by the ABA over 100 years ago still rings true: “But above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty[.]”

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@frllp.com.

WinterSmash Benefits Multnomah CourtCare

By MBA Fun Committee Members.

The Seventh Annual WinterSmash is slated for Saturday, February 7 from 6-9 p.m. at AMF 20th Century Lanes (3550 SE 92nd Ave. in Portland).

Lanes will be available for MBA members and their friends, colleagues and families for an evening of fun and food. Bumper lanes will be set up for children. The event serves as the kickoff of fundraising efforts for Multnomah CourtCare. We thank Harrang Long Gary Rudnick for sponsoring the food and beverages.

CourtCare is a project of the MBA and is operated by the Volunteers of America-Oregon (VOA). Tax deductible donations may be made to the Multnomah Bar Foundation. Additional funding comes

from the Oregon Judicial Department and Multnomah County. The program aims to provide a compassionate way to protect young children from unpleasant courtroom situations.

A converted Multnomah County Courthouse jury room serves as a fully-staffed and licensed drop-in childcare center for children and infants. CourtCare offers games, toys, art supplies and books for up to 100 children a month in a safe and nurturing place to play while parents or guardians tend to court business. Since 2001, when it opened its doors, over 6,900 children between the ages of six weeks to five years have visited the center.

The center seeks to improve the operation of the courthouse by protecting children from potentially disagreeable court settings, by helping ease parents'

access to the legal system and, perhaps most importantly, by ensuring that the court provides a fair legal process without undue distractions.

So, come enjoy the company of your colleagues, some good food, play a game you know you love and support a good cause. Tickets are \$35 for adults and \$15 for kids 3-12 years old. Price includes food, drink, shoes, balls, lane time and the satisfaction of knowing you're supporting CourtCare. Prizes will be awarded for the highest individual score, the lowest individual score, the group with the most participants in attendance and the group with the best bowling shirt.



In addition, a trophy will be presented to the group with the highest team score (computed based on top three scores, with only one score from each player counting). Raffle tickets will be for sale. The event promises to be a good time; don't miss this opportunity! Register via the insert in this issue of the *Multnomah Lawyer*.

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The Financial Crisis and the Legal Profession

By Chris Kayser, Larkins Vacura.

How will the financial crisis impact the legal profession? The failures of prominent national law firms Thelen Reid & Priest and Heller Erhman and layoffs at many other large firms may seem ominous. However, in a recent *American Lawyer* survey, 93% of the survey's respondents said they did not intend to reduce their number of attorneys and over a third said they expect to hire more despite the economic doom and gloom. The door may be closing on certain practices - securitization and real estate chief among them - but it appears to be opening for other areas.

There already have been more subprime-related cases filed in federal court than the total of federal cases filed during the savings-and-loan lawsuits of the early 1990s. And with dire predictions for the commercial lending market, there may be more litigation to come.

Litigation will not be the only area that could see an upswing. With increased regulations, there will be a greater need for compliance work. The key

to finding opportunities amid an otherwise dreary economy will be to keep pace with the rapidly changing developments. One thing is certain, the legal profession like the economy as a whole will undergo significant changes over the next few years.

On January 27, the MBA will host a two-hour CLE class on the economic ramifications of the subprime and credit crisis. Keith Karnes, of Olsen Olsen & Daines, practice focuses on protecting clients from unfair debt collection, mortgage abuse and improper credit reporting. Mark Wada, of Farleigh Wada Witt, has a specialized practice representing banks, commercial lenders, equipment lessors and other financial institutions. They will be joined by government mortgage lending expert Kristena Anderson, of the Oregon Department of Consumer and Business Services and Adam Bialosky of the Federal Deposit Insurance Corporation, Legal Division. For more information, see the enclosed CLE insert or call the MBA at 503.222.3275.

President's Column

Continued from page 1

None of that is real. It is the handiwork of bats and bugs and trickster monkeys using every evolutionary trick they know. Don't fall for it.

The gauntlet has been thrown down. The need and opportunity for lawyers to kick some serious bat butt is here. Wipe the guano from your eyes, and take the Pro Bono Pledge. Join the 220 lawyers and 36 law firms in Multnomah County who have already signed the pledge - not (I hope) from any noble desire

to do service, but rather from that wellspring of evolutionary, competitive striving that has propelled us to the highest rung of the food chain and won't let us rest until we've taken down the bats and monkeys and birds and bugs and claimed our rightful, dominant place as the most altruistic species on this planet.

Coo coo, kachoo.

Nominate Your Peers for Pro Bono Awards

By Bill Penn, Lewis & Clark Law School.

You are invited to nominate your peers or yourself for awards honoring exemplary pro bono attorneys, law firms, or legal organizations. Each year, representatives from the MBA Board of Directors, YLS Board of Directors, Legal Aid Services of Oregon (LASO) and the Oregon Law Center (OLC) through the LASO-OLC Pro Bono Committee join together to present pro bono awards in three categories. This year, the awards will be presented at the MBA's Annual Meeting and Dinner on May 7. The nomination deadline is Monday, February 23.

Please consider making a nomination for one or more of the following awards:

Senior Law Project Volunteer of the Year. Presented to a lawyer (or lawyers) who has displayed a special commitment to pro bono services by volunteering for the Senior Law Project. It is the longest running pro bono project in Multnomah County (since 1978) and it serves over 1,000 clients per year.

Michael E. Haglund Pro Bono Award. Presented to a young lawyer (or lawyers) who, in the tradition of Michael Haglund, founder of the Volunteer Lawyers Project, has displayed a special commitment to pro bono services through LASO, OLC or MBA YLS projects. (LASO, OLC, and MBA YLS projects include the Bankruptcy Clinic, Domestic Violence Project, Pro Se Assistance Project, Senior Law Project, Legal Aid Night Clinic, Community Development Law Center, ProBonoOregon Listserv, Neighborhood Legal Clinics, Nonprofit Project and Attorneys for Youth.) A "young lawyer" is defined as a lawyer who is 36 years old or less OR who has been an attorney for six years or less.

Pro Bono Award of Merit. Presented to a lawyer (or lawyers) who has set an example for our legal community by his/her

dedication to providing pro bono services to those clients who are unable to afford them.

Awards may be presented to attorneys, law firms, or attorney organizations that do pro bono

work. If you know an attorney, firm or attorney organization that has done exemplary pro bono work, please complete a nomination form found as an insert in this issue or on the MBA's Web site at www.mbabar.org

Learn about the long-term care insurance plans and premium discounts for MBA members.



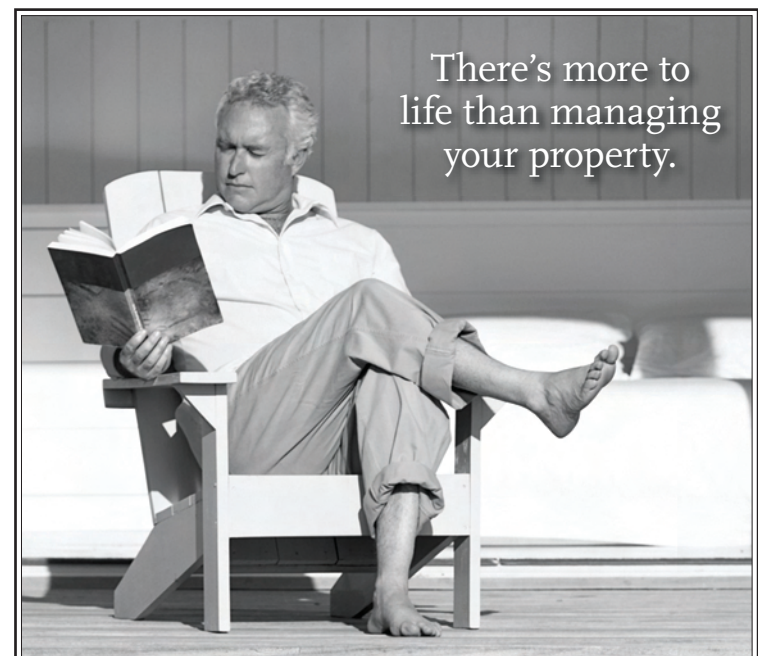
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AROUND THE BAR

JUDGE DALE KOCH
Former Multnomah County Presiding **Judge Dale Koch** is stepping down from the circuit court bench effective January 31. In addition to completing his Plan B requirements as a senior judge, he will be renewing his professional relationship with his former law partner, **Sharon A. Williams**. Starting February 1, Judge Koch will be working out of her office and he will be available to serve as a mediator, arbitrator or reference judge in family law and civil matters. He may be contacted at 520 SW Yamhill, Ste. 1015, Portland, phone 503.221.4267.

is by invitation only and is open only to persons with an established reputation of recognized excellence as an appellate lawyer.

includes original sketch comedy, illuminating interviews and local and national musical guests. Show dates and podcasts are available at www.livewireradio.org.



Cortney Duke

SCHROEDER LAW
Cortney Duke, an attorney with the firm, was recently elected to the Executive Committee of the OSB Administrative Law Section and Oregon Water Resources Council Annual Meeting Planning Committee.



Cliff DeGroot



Joe Furia

K&L GATES LLP
Cliff DeGroot and Joe Furia have joined the firm as associates. DeGroot's practice covers transactions and tax law, including equity and debt financing and contract negotiations. Furia is a first year associate in the energy, environmental and natural resources area.

COSGRAVE VERGEER KESTER
Jill Laney will serve as the 2009 president of CREW Portland (Commercial Real Estate Women). CREW is an organization with 125 local members representing all factions of the commercial real estate industry.

J. Nicholas Baldwin-Sayre and Robert E. Sabido have been named partners in the firm.

Baldwin-Sayre's practice emphasizes construction litigation and advice and counsel for contractors, subcontractors, inspectors and design professionals.

Sabido specializes in insurance coverage opinions and litigation, civil appeals, consumer law, and general civil litigation in Oregon and Washington state and federal courts.

LOCAL ATTORNEYS SPEAK AT INTERNATIONAL LEGAL SYMPOSIUM

Akana Ma, partner with Ater Wynne and head of the firm's Global Trade Group, and **Carol Emory**, Emory Law Group, were speakers at the International Legal Symposium held in Milton



Akana Ma



Carol Emory

Keynes, UK in November, co-sponsored by the World Trade Center of Milton Keynes, Geoffrey Leaver Solicitors, and Legal Counsel International, an alliance of lawyers founded by Ma and Emory in 1997. LCI delegates from Russia, China, Germany, France, Spain, Japan, India, Hungary, Hong Kong, Czech Republic, the UK, Canada and the US provided analyses of business and investments in Asia and Europe, global trade and legal issues to an audience

of British business, trade and technology representatives.

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.



Paige A. De Muniz

GEVURTZ MENASHE
Paige A. De Muniz has joined the firm as an associate attorney. Her practice will focus on divorce, custody and parenting time.

ATER WYNNE
The firm has relocated its Portland headquarters to the top floors of the Pearl District's new Lovejoy Building. The new address is 1331 NW Lovejoy St. Ste. 900, Portland OR 97209-2785. Phone, fax and emails remain the same.

Ater Wynne's interest in sustainable practices and changing work habits played a key role in the site selection. Firm partners wanted a location that is easily accessible for clients, attorneys and staff by foot, bicycle and mass transit (the Portland Streetcar stops at the Lovejoy's doorstep). The new building's eco roof and expected LEED Certification were also attractive.



Paul Kelly Jr.

GARVEY SCHUBERT BARER
Paul Kelly Jr. was recognized by the Oregon Business Association (OBA) at the 8th Annual Statesman Dinner in November. The OBA also recognized Kelly as one of six business leaders for his contributions on critical public policy issues.



Rosemary A. Colliver

TONKON TORP
Rosemary A. Colliver has been elected president of the Board of Directors of Live Wire!. An intellectual property attorney with the firm, Colliver focuses her practice on entertainment and sports. She has represented various companies as well as individual artists in sports, music, television and film.

Live Wire! is an independently produced radio variety show recorded in front of a theater audience in Portland and broadcast on Oregon Public Broadcasting. The show



R. Daniel Lindahl

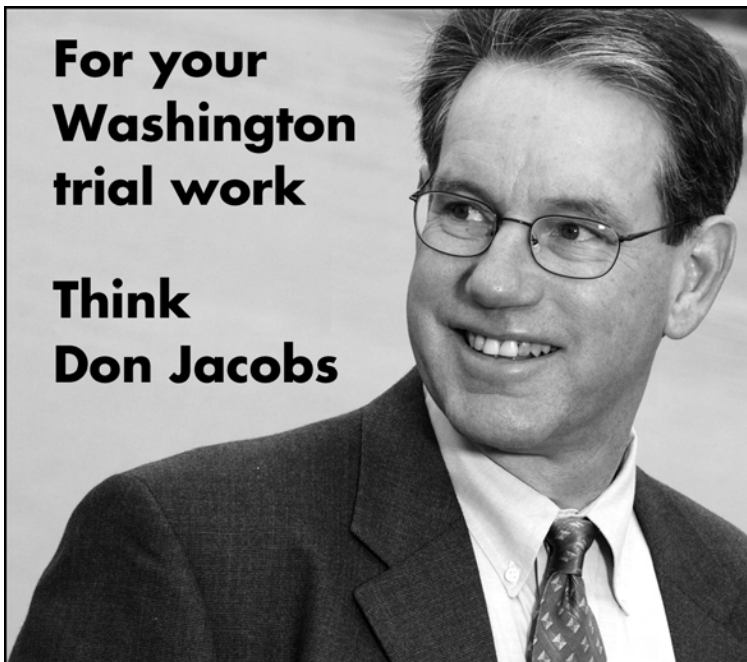
LINDAHL LAW FIRM, PC
R. Daniel Lindahl was recently inducted into the American Academy of Appellate Lawyers. Academy membership

OSB Opens up Active Pro Bono Status to More Attorneys

In a move designed to both simplify membership and encourage more attorneys to engage in a pro-bono-only practice, the OSB Board of Governors (BOG) has approved a change in bylaws removing the 40 hour pro bono obligation for those members who choose the Active Pro Bono category of membership. The BOG also eliminated the Active Emeritus status, as there would have been no discernable difference between it and Active Pro Bono.

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Tips from the Bench

By Leslie Roberts, Multnomah County Circuit Court Judge.

“Lawyers are the Only Persons in Whom Ignorance of the Law is Not Punished.”

Jeremy Bentham

Jeremy Bentham to the contrary, lawyers regularly are penalized for ignorance by embarrassment and loss of motions and cases through ignorance of readily accessible rules.

Law schools train us to look to appellate courts for the law. Perhaps that is why lawyers have not formed the habit of looking, first, for statutes and rules. Always start by finding the relevant statutes or rules, and study them. Don't rely on your memory. It may be in error, or things may change. The current, specific provisions are easy to find.

Here are examples of plain rules (or the like) that I have seen lawyers overlook:

- When moving to change venue you must include an affidavit that says the one thing the statute indispensably requires: the motion is not for purposes of delay. Without it, the court can't grant the motion.
- On a motion for a preliminary injunction, cite the relevant ORCPs, not federal standards: The Oregon rules cover this; federal case law doesn't help where Oregon rules are different.
- When seeking to stay a case for arbitration, move for a stay (not dismissal) after first establishing that arbitration has been refused: The Oregon arbitration statutes govern in Oregon court, even for claims under the Federal Arbitration Act. Oregon law allows for a “stay” where arbitration has been refused. ORS 36.625.
- When submitting an order or judgment, serve it on opposing parties at least three (count properly where mail service is done) days in advance, and so certify. UTCR 5.100. The court cannot sign the document otherwise. UTCR 5.100(1) (d) is an important exception, applying to orders in open court. If you want the order to be effective immediately, come to argument with a form of order for signature on the spot. Otherwise, you will be stuck with a week's lag time.
- When filing a Rule 21 motion or a discovery motion, submit a certificate that confirms that you have conferred with opposing parties or that describes circumstances showing a “good faith effort to confer:” to excuse the conference requirement you must give the court a basis, beyond your own assertion, to agree that the facts disclose a good faith effort to confer. Otherwise the motion must be denied. UTCR 5.010.
- When requesting jury instructions, use the current



UJCI numbers for uniform instructions: The same principle applies as with court rules even though the UCJI are not rules. There was a major revision of the UCJI in 2005. Review the current instructions and use the current instruction numbers.

Attorneys signed service copies of documents as “Certified True Copy” decades after the rule requiring them to do that was abandoned. That was quaint and harmless - but the requirements listed above, and many others, do not share those qualities. Always review the governing statute or rule.

“If they get you asking the wrong questions, it doesn't matter what the answers are.”

Thomas Pynchon

In the long run, you are not in court to inform anyone of anything; you are there to be informed - to get an answer that matters to your client. Anything not leading to that answer - or worse, injecting the wrong question - is a waste. Tell the court and jurors exactly what question the case asks and why your presentation (all of it) helps them answer that question.

Don't waste time and everyone's attention on generalized combativeness. It obscures the real issues and annoys everyone.

Don't quibble about who failed to return telephone calls promptly, whether you produced more boxes of paper in discovery, whether your client is an esteemed and skilled contractor (unless relevant), or whether a witness contradicted herself about when she graduated high school. Focus. Connect everything you do to a question the court or jury must answer for you.

Narrow it down to no more than three questions at most. Don't bother with questions that don't matter to the outcome.

“First things first but not necessarily in that order.”

Dr. Who

An excellent way to fix in your mind the essential questions you need answered favorably is to start trial preparation with your jury instructions and closing



By Bear Wilner-Nugent, Court Liaison Committee member.

Presiding Judge's Report

Judicial Retirements

Judge Bearden has submitted his formal notice of retirement and the Governor has announced the vacancy. (The MBA Judicial Screening Committee will review all applications and submit a list of highly qualified applicants to the Governor.) Judge Koch is retiring at the end of January. Another judge will be leaving at about that time but the announcement has not yet been made public.

Court Web site

Judge Maurer gave a demonstration of the court's new site, including judges' practices and links to MBA profiles.

Budget

The chief justice anticipates a 6.6% shortfall in the judicial branch, based on forecasts for the 2009-11 biennium. The chief justice is setting up a committee regarding how the courts will meet this challenge. Judge Maurer will update us on what develops. There is no indication whether the chief justice might close the courthouse on Fridays. Members of the committee discussed the way the previous Friday shutdown worked with Judge Maurer.

Courthouse update

At the invitation of departing County Commissioner Lisa Naito, Judge Maurer, Sheriff Skipper, MBA representatives and other community leaders recently

spoke to the County Commission regarding the condition of the courthouse. The MBA plans to meet with the county chair and all three new commissioners. A flyer will be created to give to legislators that will include facts about the courthouse and photos of the basement.

e-Court

Additional e-Court training will be provided to the membership in the form of a CLE in the spring.

Old Business

The November Judicial Brown Bag went very well and the room was full. The judges presented prepared topics and answered questions. Members were supportive of holding a spring Brown Bag as well.

argument. In fact, I find it hard to understand how lawyers can prepare a trial without at least the jury instructions. The instructions tell you what it is that the jury will be asking themselves in the jury room, and therefore serves as a perfect blueprint for the evidence you need to assemble and present so that the jury will answer questions the right way. (In court trials, pretend the judge is a jury for this exercise.)

“Always acknowledge a fault. This will throw those in authority off their guard and give you an opportunity to commit more.”

Mark Twain

There is nothing more endearing in a lawyer than humility. Mistakes or shortcoming in an argument are best faced candidly and addressed. A lawyer who discloses authority contrary to his or her own position and who withdraws defective arguments is a lawyer who has established reliability and integrity. A reputation circulates in our courthouse as in any courthouse, and a good one is the most valuable professional qualification you can earn.

Happy New (Membership) Year!

The MBA thanks you for being a member. By now, you should have received your renewal notice for 2009 in the mail. All you need to do is return your renewal form with payment to continue to receive the wide range of benefits the MBA provides. You may also renew online by visiting www.mbar.org.

Here are just a few reasons to continue your membership:

- **Advocacy for the legal community:** Threats to our judicial system affect the entire legal profession. The MBA works to strengthen the public's understanding of the judicial system and its importance to all citizens.
- **Excellent, convenient and reasonably-priced CLE seminars:** Topics in 2009 include court updates, discussions on ethics, mortgage lending, diversity and others (a CLE schedule is enclosed).
- **Committees and social events:** Participation in groups such as the YOUthFILM or Equality committees benefit the community and legal field, while attendance at the Annual Dinner, Absolutely Social and other events serve as excellent opportunities to network and socialize with other law professionals.
- **Comprehensive member benefits:** MBA membership provides access to group health insurance, dental, vision, life, long-term care and disability plans.
- **Affordable and worthwhile membership:** At only \$100 for regular members, MBA dues are the lowest in the nation for a bar association of our size.
- **Member discounts:** from LexisNexis, Legal Northwest Staffing Specialists, Bank of the Cascades, The Naegeli Reporting Corporation, Canon Business Solutions, Office Depot, Bank of America MasterCard, The Bar Plan online court bonds and other partner services.

If you would like more information about the benefits of MBA membership, please call 503.222.3275 or visit www.mbar.org. We look forward to serving you in 2009.

The Case of the Suspect Furnace Bill D.A. for a Month?

By Andreea Szabo, Legal Aid Services of Oregon.

Many low-income seniors cannot afford to pay for the services of a private attorney. When Ruth Mitchell, a 92-year-old woman living on a limited income, received an unexpectedly large bill from a furnace company, she felt the company was taking advantage of her. Mitchell's two year old furnace broke in the middle of winter, and the company responsible for its maintenance could not fix it despite three different attempts, leaving her without heat for three days. When her furnace was finally fixed she asked how much she owed for the repairs and paid that amount on the spot. However, she received a substantially larger bill in the mail a few days later. Mitchell believed she was overcharged and tried to negotiate a lower price, but the furnace company would not budge.

Undeterred, Mitchell called the Urban League Senior Center and arranged an appointment with a volunteer attorney with the Senior Law Project (SLP), a pro bono lawyer program operated by Legal Aid Services of Oregon. It provides legal assistance to seniors who are residents of Multnomah County or have a civil legal issue in Multnomah County. The program was created 30 years ago with an understanding that seniors often face unfair treatment, and may suffer from limited mobility and dwindling resources. Through 25 monthly clinics at nine senior centers in Multnomah County, the



Client Ruth Mitchell (left) and attorney Diane Gould

program serves approximately 1,000 seniors each year. Lawyers initially meet with clients for 30-minute appointments which are free regardless of income. Only clients who meet Legal Aid's poverty guidelines are eligible for continued pro bono services. The most common problems seen by SLP attorneys involve wills, debt collection, landlord/tenant issues, guardianships/conservatorships and elder abuse.

Through the SLP, Mitchell met with volunteer attorney Diane Gould, who wrote a letter to the furnace company and negotiated a lower bill for Mitchell. At their initial meeting, Mitchell and Gould were surprised to realize that they had worked together at the Lloyd Center years ago, when Gould was a high school student.

Mitchell later asked Gould to draft a will and a power of attorney for her. She had wanted

to update her will for a long time and saw an ad on TV for a \$65 will, but she knew that it would not be adequate. She did not have the finances to retain a private attorney, yet she wanted to make her wishes known.

Gould's assistance did not stop there. She also nominated Mitchell to a nonprofit organization offering free house repairs to seniors. For Gould, who has volunteered for the SLP since graduating from law school three years ago, the project has been "very satisfying and a great training ground." Gould reports "My favorite part is the people - they are so grateful for every little thing I can do for them - a simple letter or a phone call..."

For information on how to volunteer for the Senior Law Project, please contact Andreea Szabo at 503.224.4086 or andreea.szabo@lasoregon.org.

By Aukjen T. Ingraham, Cosgrave Vergeer Kester.

We have all seen the articles mourning the loss of jury trial experience for newer attorneys. Lawyers are trying fewer cases than in times past, even as law schools are producing more graduates than ever. To help get would-be litigators in the courtroom, the American College of Trial Lawyers - spearheaded by Wally Sweek of Cosgrave Vergeer Kester and Dan Skerritt of Tonkon Torp - launched the Jury Trial Experience Project.



The program operates like this: civil lawyers are placed either with the Multnomah County District Attorney's Office or with one of several Multnomah County public defender firms. I was the first lawyer to participate in the D.A.'s office - the guinea pig, so to speak. In contrast to the former D.A.-For-A-Day program, I spent an entire month working Monday through Thursday in the D.A.'s office. (The public defender program operates a little bit differently. As I understand it, civil lawyers commit to work one day a week for six months. They are assigned new cases that they see through to sentencing.)

It worked very well.

How many jury trials did I have? One, but not for lack of effort. I was assigned and prepared over 14 cases, most of which ended in pleas. In addition to the jury trial, I prosecuted two bench trials. When I wasn't in trial, I made countless appearances for motions, pleas, probation violations, sentencing and more.

Was it worth it? Absolutely. The jury trial, my first, was an incomparable experience. I was lucky enough to receive feedback from opposing counsel (Matt Donohue of Markowitz Herbold, my civil lawyer counterpart working with Metropolitan Public Defenders), Judge Richard Baldwin, and one of the jurors. What's more, I learned more about the courthouse and how it works in four weeks than I have in five years of civil practice. I now know what judges do when they're not hearing civil motions and how misdemeanor cases and pleas are assigned.

The D.A. attorneys and staff, especially Senior Deputy District Attorney Jeff Howes, could not have been more supportive. Every door was open for any question at any time. Similarly, the judges, court staff, and public defenders were all professional to work with and helpful to this rookie criminal lawyer.

Can you do it, too? Yes. Several lawyers are slated to participate in the program in 2009. If you're interested, contact Wally Sweek (wsweek@cvk-law.com) or Dan Skerritt (dan.skerritt@tonkontorp.com) for details.

Taking Matters that Matter The First Year of the Pro Bono Pledge

By Maya Crawford, Associate Director of the Campaign for Equal Justice.

Thousands of low-income Oregon residents face serious legal problems. Families are losing their homes to foreclosure. Women and children are threatened by abusive relationships. People with disabilities are being unfairly denied benefits. Oregon's poverty population is growing faster than the national average.

In Multnomah County alone, the number of people living in poverty has grown by over 21% since 2000. Sadly, there is no correlation between the severity of a legal problem and a person's ability to pay for an attorney. Over 80% of Oregon's low-income population goes without an attorney in their time of need. Attorneys and law firms who have taken the MBA Pro Bono Pledge help fill this ever-increasing justice gap.

The Pro Bono Pledge effort started in 2008 and it calls on

attorneys to commit to at least one pro bono matter per year. In addition, law firms are asked to adopt a written pro bono policy and encourage participation in the individual pledge. Both firms and attorneys are asked to financially support legal service organizations. Over 35 law firms and 250 attorneys in Multnomah County have risen to the challenge and signed the pledge.

Theresa Hollis of Fitzwater Meyer took the pledge. Theresa has volunteered every other month for the Senior Law Project (SLP) for more than 10 years. She gives a free half-hour of legal advice to approximately six Multnomah County seniors, as well as doing ongoing pro bono work. Her work has included doing several free wills for needy seniors, which she finds very rewarding.

Sarah Crooks of Perkins Coie also took the pledge, as did her firm. Sarah volunteers with



Theresa Hollis

the Domestic Violence Project (DVP). She recently represented a Spanish-speaking woman seeking a restraining order. The client went to her first contested restraining order hearing alone, where she was uncertain how to proceed, given the language barrier and the emotional trauma of seeing her abuser. The court granted her request for a set-over, and advised her to seek legal assistance.



Sarah Crooks

The client called Legal Aid Services of Oregon that day (Thursday), which referred her case to Sarah that afternoon. Sarah met with the client the next day, with the help of a Legal Aid translator. Sarah explains that her client had a strong case, but

needed help navigating the legal process. "With me at her side during the hearing, my client seemed calm and confident even when her abuser entered the courtroom. We succeeded in continuing her restraining order, and my client was very, very grateful for the assistance."

Pro bono attorneys make a huge impact on the lives of their clients. By taking the Pro Bono Pledge, and giving their time and money, Multnomah County lawyers are making a significant contribution to our community.

To sign the **2009 Pro Bono Pledge** please visit www.mbabar.org/MBA_Pro_Bono.htm. Together, we can make a difference.

MULTNOMAH BAR ASSOCIATION

Pro Bono Pledge

Take a matter that matters

Christopher Heaps, Cyclist Advocate

By Elaine Albrich of Stoel Rives and Will Glasson of Scarborough, McNeese et al.

Along with “Keep Portland Weird,” a common bumper sticker around town reads “Work to Live, Live to Bike.” Last summer’s surging gas prices and a population increasingly energized to reduce its carbon footprint added a third adage to the sticker: “Bike to Work.” Thousands answered the call, resulting in a spike in ridership. Unfortunately, with the increased bike traffic came more vehicle-bicycle collisions, altercations and even bike-related deaths.

Stoel Rives attorney Christopher Heaps is no stranger to such incidents. A lifelong biker, environmental activist and long-time bike commuter, Heaps made headlines last summer after assisting Siobhan Doyle in filing a citizen citation after she was struck by a car and hospitalized.

Employing a rarely used state law, ORS 153.058, Heaps helped Doyle initiate a “violation proceeding” against Lisa Wheeler, the driver. The law provides that citizens may initiate a violation proceeding by filing with the appropriate circuit court a complaint alleging a named defendant violated a traffic law.

In addition to bicyclists, the law also applies to pedestrians involved in traffic incidents.

As a result of Heaps’ efforts, the court issued Wheeler a \$180 fine. Heaps concedes that although this law does not permit a victim to seek damages (which must be done by way of a civil suit), the law offers another means for accessing justice and addressing grievances.

Moreover, Heaps credits the law with recognizing cyclists and pedestrians as a component of urban traffic. This latter point lies at the center of many of his pro bono activities. A member of the Bicycle Transportation Alliance Legislative Committee and We Are All Traffic, a citizen group working for improved dialogue between drivers and cyclists, Chris has helped other cyclists and pedestrians enforce their rights and redress traffic-related grievances where the police have failed to act.

Heaps explains that his pro bono activities are an opportunity to assist individuals who are unable to access justice through traditional means, and to help victims search public records that otherwise may be inaccessible



Christopher Heaps

without the assistance of a lawyer. Further, he believes his activities foster a sustainable community by forcing drivers to be more accountable to pedestrians and bicyclists, and protecting the vulnerable roadway user.

After receiving his undergraduate degree from Mississippi State University, he earned a masters degree and Ph.D. in psychology from the University of Tennessee. He received his law degree from the University of Washington School of Law. Heaps’ practice at Stoel Rives focuses on leasing, siting, and permitting energy and natural resource development projects.



YLS New Admittee Social

More than 80 MBA members and new OSB admittees gathered at Kells in November, for the YLS New Admittee Social. The event was sponsored by Lexis Nexis. The MBA invited local new OSB admittees to the social in order to encourage new admittees to participate in the MBA, and to inform them about the opportunities and services available through the MBA. YLS committee chairs discussed the many events and volunteer opportunities sponsored by the bar, and encouraged new admittees to participate in upcoming MBA programs and events.



New lawyers Carlette Kruse, Micah Steinhilb and Sarah Petersen at November social

Interact with Students Through Reading and Writing

By Jeanne Kallage Sinnott, Miller Nash and Cashauna Hill, Wiles Law Group, YLS Service to the Public Committee Imprint Program Co-Chairs.

Would you like to make a difference in a student’s life? Do you have limited time to help out? Would you like some lighter reading? Then you should sign up for the Imprint Program.

The Imprint Program, which is sponsored by the YLS Service to the Public Committee, is kicking off its fifth year this month. The program gives attorneys in Multnomah County a meaningful and rewarding volunteer opportunity - with a minimal time commitment.

Through the Imprint Program, you will develop a one-on-one relationship with a student pen pal. Over the course of three months, you and your student will exchange letters discussing a popular novel that the student is reading in class. After completing the novel and exchanging letters, the program ends with a luncheon in early spring where you will meet your student face-to-face. The luncheon is the most important part of the program and your attendance will be very important to your student. Therefore, we do require that all volunteers attend.

The time commitment is minimal, but the rewards are huge: Over the course of the program, you will write four to five letters and read one short novel (and possibly a short story). The program is ideal for lawyers with busy schedules because you can write the letters and read the novel as your schedule allows.

Most importantly, this program has an incredible impact on the students. Many of the students participating in the program do not have positive adult role models in their lives. For some, the attorney volunteer is the only adult relationship they will have outside of school and family. Feedback from past years has shown that, for many of the students, just having an adult who takes an interest in them makes a great impact.

The program has been such a success in the past years that we hope to expand to five classrooms at Parkrose Middle School and High School. We are looking for a total of 125 volunteers. To participate, you must be available for the program-end party occurring in either late April or early May.

Continued on page 11

Get the New Year off to a great start with the YLS and Justice Martha Walters at Quality Pictures Contemporary Art Gallery!

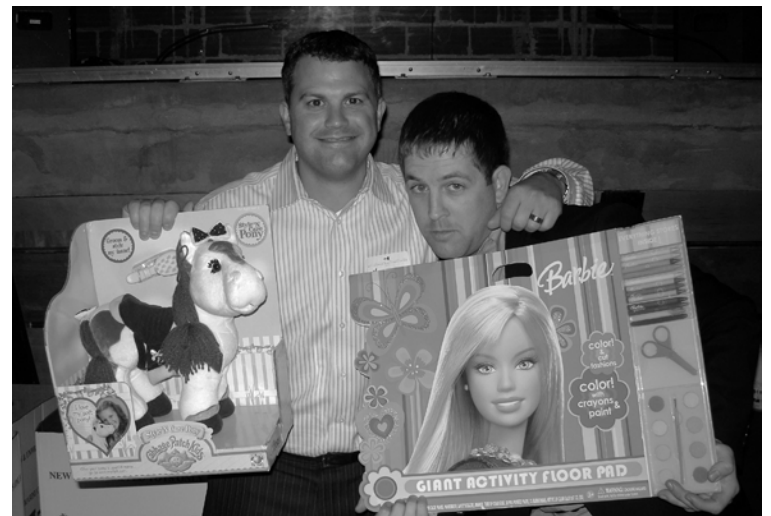
The MBA Young Lawyers Section is hosting a Drop-in Social at Quality Pictures Contemporary Art Gallery located at 916 NW Hoyt, Portland, from 5:30-7 p.m. on Wednesday, January 7.

We are honored to have Justice Martha Walters, Supreme Court Justice of the Oregon Supreme Court, as a speaker at this event. Justice Martha Walters was the founder of Walters Romm Chanti & Dickens, P.C., and practiced law for almost 30 years, emphasizing employment law and civil litigation as well as general civil practice, before being appointed to the bench in 2006. She is a leader in the Oregon legal community and we are pleased to have her join us.

This casual get-together is sponsored by Gevurtz Menashe and is a great opportunity to meet and network with other young lawyers. Grab your friends and coworkers and join us on January 7.

YLS Membership Social

On December 9, the YLS held its annual Holiday Drop-in Social and toy drive at Aura. Toys were collected for the US Marine Corps “Toys for Tots” program. The program has been helping children during the holidays since 1947 and all donated toys stay in the local community. Thanks to the overwhelming generosity of MBA law firms and individual members, many local families experienced the joy of the holiday season with the gift of toys for their children.



Matt Larson and Colin Andries with their favorite donated toys

Join the YLS at the Oregon Food Bank

After ringing in the New Year, help us fight hunger and join the YLS Service to the Public Committee at the Oregon Food Bank for two volunteer opportunities in January. On Saturday, January 24, from 1-3 p.m. and Thursday, January 29 from 6-8:30 p.m., we will work to organize donations and prepare emergency food boxes at the Oregon Food Bank’s Volunteer Action Center.

Family, friends and children age six and up are welcome. Volunteers will also be able to go on a tour of the 108,000 square foot facility before the shift begins or during the mid-shift break. Learn more about the Oregon Food Bank at www.oregonfoodbank.org. To sign up and for more information email Jodie Ayura at ayura@bodyfeltmount.com.

The Lewis & Clark Small Business Legal Clinic's Big Impact

By Will Glasson, Scarborough, McNeese, et al and YLS Pro Bono Committee member.



Maggie Finnerty

"Business" and "transactional" may seem an odd fit with "pro bono" until you sit down with Maggie Finnerty. A former Stoel Rives attorney, Ms. Finnerty's drive to both teach and retain her active business practice led to her current position as executive director of Lewis & Clark Law School's Small Business Legal Clinic (SBLC).

Although only launched in September 2006, the SBLC's client waiting list, fast community acceptance and glowing testimonials attest to its positive community impact. With over 220 small businesses served and 519 separate legal matters addressed since its inception through the end of the fall semester, the SBLC has established itself as an invaluable resource for low-income entrepreneurs and small business owners in need of basic business transactional legal services.

The SBLC divides its program into two offerings to serve the needs of potential clients best and to provide local business attorneys with better access to transactional pro bono opportunities. The first of these offerings is the Intern Program. The Intern Program is a course offered by Lewis & Clark Law School, where upper division law student "interns" represent small and emerging businesses in transactional matters. The interns handle the majority of the clients' work, learning how to interview and counsel clients, draft and negotiate contracts, manage a law practice and more. Each intern is closely supervised by Ms. Finnerty and Lew Goldfarb, another clinical law professor at Lewis & Clark Law School and OSB licensed attorney.

The SBLC's second offering is the Pro Bono Project. Clients served through the Pro Bono Project meet one-on-one with Portland area attorneys with relevant business law expertise. Because the SBLC is certified by the OSB, participating attorneys' services receive Professional Liability Fund coverage and the attorneys are recognized in the OSB Pro Bono Honor Roll for their donated time.

To qualify for SBLC services, clients must meet income guidelines, must either be an active business or have a well-written business plan and must have a legal need

within the SBLC's scope (e.g., entity selection and formation, contract drafting and negotiation, and intellectual property matters and compliance with various regulatory issues). The SBLC does not represent clients in litigation matters. Preference is given to those businesses owned by women, minorities, and recent immigrants. All clients are charged a one-time \$25 administrative fee per matter. Clients who exceed the income guidelines but still cannot afford a private attorney may also be charged a nominal flat legal fee.

Validating its efforts, the SBLC has become a community lightning rod for nascent economic activity by partnering with community development groups such as Mercy Corps NW, several local small business development centers, MESO (MicroEntrepreneurs Services of Oregon), the Oregon Association of Minority Entrepreneurs, and SCORE (Service Corp of Retired Executives), among others. By working closely with these business assistance providers, the SBLC's clients are receiving the full-circle support they need to survive. Such cooperation has educated SBLC interns and staff about community development initiatives and allowed the SBLC to be one of the main referral sources for these regional groups.

2009 YOUTHFILM Project Kicks Off

The Interstate Firehouse Cultural Center in North Portland will be buzzing on Saturday, February 7, from 1-2:30 p.m. with student filmmakers, parents and volunteers as the YOUTHFILM Project hosts its second annual kickoff event. 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.

The kickoff event will provide an enthusiastic start to this year's contest, which celebrates two themes: Abraham Lincoln's Bicentennial and Oregon's Sesquicentennial of Statehood. Last year more than 80 students, parents, and YLS members attended the kickoff event for film tips, refreshments and student performances.

Top films will be screened for the public at the Hollywood Theatre in Northeast Portland on April 28 in conjunction with the ABA's Community Law Week. Prizes will be awarded at the screening 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!



The YOUTHFILM Project received a grant from the Multnomah Bar Foundation, which helped the project purchase audio visual equipment for student use – ensuring that all children, regardless of income level, are able to participate in the contest. Funding was also used to stage a public screening of the 2008 top films.

Volunteers Show Good Will Serve Good Meals

By Slone K. Pearson, Hagen O'Connell, and YLS Service to the Public Committee member.

On Saturday, December 6, a group of YLS members and their friends and families took time out to help serve dinner at the Blanchet House of Hospitality. In just one hour YLS members served 288 meals! Blanchet House has provided resources to Portland's homeless community since 1952 and currently serves over 250,000 meals each year. It is one of three Blanchet organization sites in the Portland area, all run solely on charitable financial contributions and the work of volunteers.

A unique aspect of the Blanchet House is that all staff members are unsalaried volunteers. Additional staff is recruited from among those once served by the Blanchet House. The latter live in the House and perform all of the daily tasks involved in its operation, thus contributing to their own self-esteem and developing a community spirit. The MBA members who volunteered helped out by serving, busing tables and working in the kitchen. Afterwards,

they enjoyed a meal with other volunteers and the staff. A second group volunteered on December 13 during the lunch shift.

Watch the *Multnomah Lawyer* and your email inboxes for more volunteer events planned in 2009, with organizations such as Habitat for Humanity, Oregon Humane Society, Friends of Trees, DoveLewis and more!

Dropout Prevention Program Volunteers Needed

By Raife Neuman, Attorney at Law and YLS Service to the Public Committee member.

The YLS Dropout Prevention Program is off to a fine start this year, with many area schools already scheduling appointments, but we need lawyer volunteers! The program makes a strong impact on students' lives, and anyone who can spare an hour and a half this spring to lead a presentation is encouraged to join us. This year's program is chaired by Matthew Lauritsen, Theodora Lenihan and Raife Neuman.

The Dropout Prevention Program provides volunteer attorneys who

visit Multnomah County middle and high schools to present a short video and facilitate discussion with students. The video features interviews with young convicted felons who dropped out of school. The felons detail how their decision to drop out of school led to other poor choices, which they believe is the reason they are now incarcerated.

After the video, the attorneys engage the students in a discussion about the ramifications of dropping out of school and the benefits of

staying in school. Volunteers are provided a handout with sample discussion topics and questions.

This program makes a huge difference to Oregon's youth and requires a very small commitment of time. If you are interested in participating, please email Raife Neuman at raife.neuman@gmail.com. A short orientation will be held in January. We strongly encourage both new and experienced members of the bar to participate.



Student filmmakers from Houck Middle School in Salem


YLS Imprint Program

Continued from page 10

We will have an orientation meeting for all volunteers on Tuesday, January 13 at 5:45 p.m. at Standard Insurance auditorium. Attendance at the orientation is not mandatory, but is strongly encouraged. If you are interested in participating this year, please contact program co-chairs, Jeanne Sinnott at jeanne.sinnott@millernash.com or Cashauna Hill at cmhill@wileslawgroup.com.

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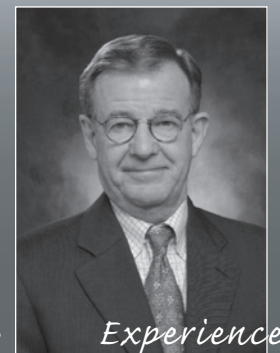
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A New Year - A New Opportunity to Make an Impact The Multnomah Bar Foundation Expands Reach in 2009

Happy New Year! The Multnomah Bar Foundation (MBF) is excited to enter a new year full of opportunities to promote and celebrate democracy and civic participation across our community.

The MBF's partner organizations that received grant funding in 2008 had tremendous success with their respective civics related projects. As you have read here, the YLS received continued support for the YOUthFILM Project, an annual filmmaking contest challenging K-12 students to produce a short film on civics

issues. The Classroom Law Project received grant funding to expand its *We the People* program into additional schools and the Oregon League of Women Voters received support to publish voter education information about Multnomah County Circuit Court candidates in the 2008 *Voters' Guide*.

MBF funding also allowed The Bus Project to register 2,100 new voters through its *Building Votes* program. A grant from the MBF was used to expand *Building Votes* into 22 high schools during the past year.

The program mobilized 100 high school student volunteers who conducted voter registration drives among their peers. (In Oregon, 17-year-olds can register to vote and will receive their first ballot after their 18th birthday.) The Bus Project also conducted 50 classroom and assembly presentations to spark an interest in civics among our next generation of leaders.

The MBF is already working to broaden its reach in 2009. We know that the YOUthFILM Project has kicked off its 2009 contest celebrating two topics,

the ABA 2009 Law Day theme, *A Legacy of Liberty - Celebrating Lincoln's Bicentennial and Oregon's Sesquicentennial of Statehood*. The Bus Project is already working to connect young people with the 2009 Oregon legislative session – beginning with A Day Off for Democracy, a free bus ride to Salem to experience the first day of the legislative session.

The MBF anticipates a wealth of opportunities for the foundation to strengthen its impact through continued support of past grantees, such as these, as well

as additional relationships with a variety of new partners. To get started, the foundation is currently soliciting a new round of proposals from nonprofit organizations with innovative project ideas that are aligned with the MBF mission. Watch for the 2009 grant awards to be announced in April.

For more information about the MBF, its grants program or how to make a donation, log on to www.mbabar.org/foundation.htm.

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