



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community. June 2009 Volume 55, Number 6



To Every Season

By Michael Dwyer, President, Multnomah Bar Association.

and pass from our community, even lawyers who had achieved a notable reputation.

This does not depress me. Rather, it helps me appreciate how precious life is. I feel my focus sharpening, my priorities adjusting. Ancient wisdom reminds us that fame and money and power count for nothing, but often one must make a million mistakes to understand.

Every once in awhile we hit some marker that reminds us how quickly it passes. I recently dabbed tears away as my youngest daughter stretched out her hand for a diploma and flung her cap into a blue sky. At our MBA annual dinner I passed a symbolic gavel to Leslie Kay. I witnessed Andrew Schpak execute a flawless lateral of the YLS command to Justin Leonard, which triggered memories of myself as a young lawyer, my own arc.

In that first job, an old boys' mega firm in Los Angeles with wood-paneled walls, the partners had a heavysset African-American woman in a French maid's outfit serving them cocktails and dusting the furniture. "She wants to wear it," they assured skeptical young associates, whose ranks included a new phenomena - women.

I see my buddy, lugging two giant briefcases up the courthouse steps in one hand, the other holding an umbrella over the partner's head so only one of them would get soaked. This was the seventies, and in a highly prestigious firm they paid a new admittee well. On my \$15,000 annual salary I bought a tan suit with daring French lapels, shoes with heels, and a Fiat Spider.

My first jury trial was in federal district court in LA, where I prosecuted a couple for counterfeiting. Their lawyer tumbled down from the mountains of Montana. Trial was delayed until he could purchase a suit of clothes and a tie. I see him preparing to begin opening statements cutting price tags from the sleeve of his new jacket.

One federal district court judge routinely arrived an hour or two late for his afternoon docket so he could hit golf balls over lunch. In the middle of a bank robbery case he swiveled away and opened a newspaper with his back to us. Ruling on a motion he stuck out his tongue and gave a Bronx cheer.

In Honolulu I represented a thin young man at his sentencing. He was Hawaiian, uneducated, with nowhere to go but to the beach one evening, where a Japanese tourist, asleep in his car, had \$30,000 cash in a briefcase. When my client tried to pay for his Slurpee at the local 7-11, wads of bills tumbled to the floor. And there was the

rickety one-room courthouse on the North Shore of Oahu, where the litigants shuffled up before the bench appearing in flip-flops, shorts and tank tops (one depicting graphic sex).

In Portland I see myself dropping to the carpeted floor of my office to sit and hold clients slumped in agony trying to recount stories of how their therapists, caught in a contagious hysteria, had led people to believe they had been engaged in violent and gruesome ritualized murders and rapes with Satanic cults, all of it supposedly inaccessible to memory due to their hundreds of multiple personalities.

I have long appreciated how lawyering allows us to live in a Charles Dickens' or John Irving' novel, amidst our human circus. Age is helping me appreciate how miraculous it is.

But is not time to cling long to memory, but rather to let go.

I am grateful for the chance to lead the MBA this year. We tried to plant a few new seeds. I thought it important to begin to acknowledge the toil this profession takes on us, and to offer some relief. In the fall we held a

Continued on page 4

Congratulations, Award Winners

The MBA Annual Meeting, Dinner and Judges Reception held on held May 7 recognized exemplary members.

This year's Professionalism Award winner is **Judy Danelle Snyder**. In addition to Judy, 15 outstanding volunteers were recognized. The MBA Award of Merit was presented to the **Honorable Jerry LaBarre**, the **MBA Judicial Screening Committee**, **Lisa Naito**, **Eric Waxler**, the **Honorable John Wittmayer** and **JoLynne Zimmerman**. The YLS Award of Merit was given to **Colin Andries**, **Cashauna Hill** and **Bernadette Nunley**; **Dallas DeLuca** received the YLS Rookie of the Year award. Pro Bono Awards recognized **Gene Grant**, **Amie Jamieson**, **Carl Neil**, **Bonnie Richardson** and **Bruce Rothman**.

Congratulations to all the very deserving award winners!

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MBA CLE

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

June

Tuesday, June 2 Corporate Counsel's Perspective on Client Relations

Jim Carter
Emi Donis
Dean Freed
Kenton Erwin

Wednesday, June 3 Litigating a Trade Secrets Case

David S. Aman
Thomas R. Johnson

Tuesday, June 9 Practical Employment Law Guidance in an Economic Downturn

Dan Grinfas
Tamara Russell
Tamsen Leachman

Wednesday, June 10 SB 311 and the Oregon Tort Claims Act after *Clarke v OHSU*

William Blair
Kathryn Clarke
Joseph Groshong
Richard Lane

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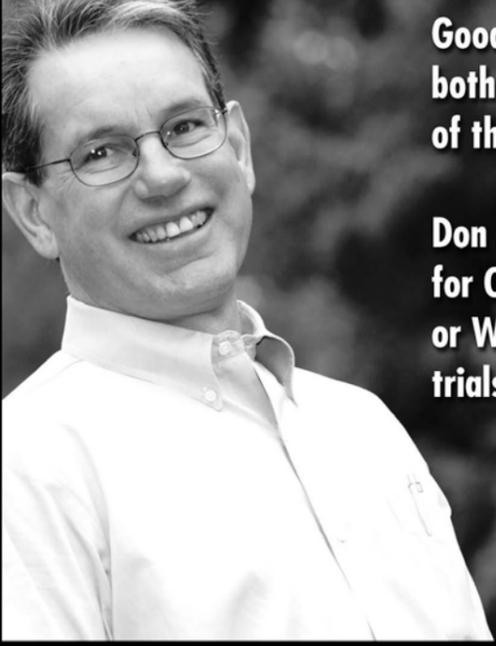
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NEW ON THE SHELF

By Jacque Jurkins, Multnomah Law Librarian.

ASSESSMENT OF OLDER ADULTS WITH DIMINISHED CAPACITY: A handbook for psychologists. Published by the ABA Commission on Law and Aging and the American Psychological Association, 2008. (KF 390 A4 A85)

ADVISING THE QUI TAM WHISTLEBLOWER: From identifying a case to filing under the False Claims Act, 2d ed. by Robin Page West. Published by the ABA General Practice, Solo, and Small Firm Section, 2009. (KF 850 W55 2009)

SINCLAIR ON FEDERAL CIVIL PRACTICE, 5th ed. by Kent Sinclair. Published by the Practising Law Institute, 2008. (KF 8870 S56 2008)

MEDIATING LEGAL DISPUTES: Effective strategies for neutrals and advocates by Dwight Golann. Published by the ABA Section of Dispute Resolution, 2009. (KF 9085 G63)

THE CONSTRICTION CONTRACTS BOOK: How to find common ground in negotiating the 2007 industry form contract documents, 2d ed. edited by Daniel S. Brennan. Published by the ABA Forum on the Construction Industry, 2008. (KF 902 C54c 2008)

CHILDREN, LAW, AND DISASTERS: What we have learned from Katrina and the hurricanes of 2005. Published by the ABA Center on Children and the Law, 2009. (KF 3735 C45)

REAL ESTATE FINANCE IN A NUTSHELL, 6th ed. by Jon W. Bruce. Published by Thomson/West, 2009. (KF 695 B78 2009)

ERISA LITIGATION. A publication of the ABA Joint Committee on Employee Benefits and the American College of Employee Benefits Counsel, 2008. (KF 3512 E75)

HEALTH AND WELFARE BENEFIT PLANS: Responding to change. A publication of the ABA Joint Committee on Employee Benefits and the American College of Employee Benefits Counsel, 2008. (KF 3509 H43)

COMPENSATION FOR EXECUTIVES AND DIRECTORS. A publication of the ABA Joint Committee on Employee Benefits and the American College of Employee Benefits Counsel, 2008. (KF 1424 C65)

ACQUISITIONS UNDER THE HART-SCOTT-RODINO ANTI-TRUST IMPROVEMENT ACT, 3rd ed. by Stephen M. Axinn.

Published by the Law Journal Press, 2008. (KF 1655 A98 2008)

UNFAIR AND DECEPTIVE ACTS AND PRACTICES, 7th ed. by Carolyn L. Carter and Jonathan Sheldon. Published by the National Consumer Law Center, 2008. (KF 1040 C62 2008)

OREGON PEDESTRIAN RIGHTS: A legal guide for persons on foot. Published by the Willamette Pedestrian Coalition, 2008. (KF 2240 T65)

FIFTY UNIQUE LEGAL PATHS: How to find the right job by Ursula Furi-Perry. Published by the ABA, 2008. (KF 297 F87)

THE LITTLE RED BOOK OF WINE LAW: A case of legal issues by Carol Robertson. Published by the ABA, 2008. (KF 3920 R53)

FINANCIAL INSTITUTION BONDS, 3rd ed. edited by Duncan L. Clore. Published by the ABA Tort Trial and Insurance Practice Section, 2008. (KF 1225 F55 2008)

CALENDAR

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

June

2 Tuesday, MBA CLE Corporate Counsel's Perspective on Client Relations
See insert or register at www.mbabar.org.

3 Wednesday, MBA CLE Litigating a Trade Secrets Case
See insert or register at www.mbabar.org.

5-6 Friday-Saturday, MBA Board Retreat

9 Tuesday, MBA CLE Employment Law Guidance in an Economic Downturn
See insert or register at www.mbabar.org.

10 Wednesday, July/August Multnomah Lawyer deadline

Wednesday, MBA CLE SB 311 and the Oregon Tort Claims Act
See insert or register at www.mbabar.org.

12 Friday, LexisNexis Web Marketing Tips
See insert for details and to register.

15 Tuesday, YLS Board meeting

18 Thursday, Disability Rights Oregon Open House
Visit www.disabilityrightsoregon.org for details.

18-20 Thursday-Saturday, OCDLA 30th Anniversary Conference
Visit www.ocdla.org for details.

20 Saturday, St. Andrew Legal Clinic Race for Justice
Visit www.salcgroup.org for details.

24 Wednesday, MBF Board meeting

30 Tuesday, MBA Golf outing at Riverside Golf Club
See insert to register.

July

3 Friday, MBA office closed

9 Thursday, OMLA Quarterly Luncheon honoring minority judges
Visit omla.homestead.com for details.

21 Tuesday, YLS Board meeting

23 Thursday, OMLA Social and Auction
Visit omla.homestead.com for details.

24 Friday, YLS Board Retreat

29 Wednesday, MBA Family and Friends Golf event at McMenamins' Edgefield
See insert to register.

August

4 Tuesday, MBA Board meeting

10 Monday, September Multnomah Lawyer deadline

The Corner Office

The MBA Professionalism Statement, among other things, commits us to promote integrity, use independent judgment, support the effectiveness and efficiency of the legal system and be courteous, fair and respectful. Most of us agree with these standards and most of us have no problem committing to them in concept. Living these ideals however, can present difficult challenges. For example, a tension often exists between our duty to be an advocate for our clients and our desire to be courteous, fair and respectful to our colleagues. Figuring out how that tension might be resolved without abandoning either our client's interests or our professionalism is not always easy.

In order to create a common understanding of what professionalism means and to discuss practical tips on how to put professionalism concepts into practice, the MBA Professionalism Committee regularly conducts spirited panel discussions of hypothetical situations that present these types of challenging professionalism conundrums. The panelists include judges, partners and associates in private practice, in-house counsel, and of course, many of our past MBA Professionalism Award recipients. This year, the committee has presented the MBA program to third-year Lewis & Clark law students, recent graduates and to two large Portland law firms.

Plans are underway to make this program available to the criminal law bar and other groups. Through the program, this year alone, the MBA will have reached nearly 100 attorneys in diverse practice groups. Hypotheticals are designed to target professionalism issues that come up in both litigation and transactional practices, and provide vital opportunities for thought-provoking discussion among the participants as well as occasions for more experienced attorneys to mentor their more junior colleagues. In fact, some of the most interesting discussions occur after the program is over, when lawyers talk among themselves about the very types of ethical and professionalism challenges raised in the presentation.

Programs Available to Law Firms and Departments

Although there has been wide participation this year, there is always room for more. Programs can be arranged as a law firm lunch, a law association CLE, a presentation to in-house legal departments, or in just about any format one can imagine. The session can be designed to meet the specific needs of the group (i.e. criminal, in-house counsel, transactional, or litigation), or can include a variety for mixed groups. And did we mention that ethics CLE credits are available for participants?

If you have questions about this program, or would like to schedule a presentation, please contact Helen Hierschbiel, at 503.431.6361,

hhierschbiel@osbar.org, or one of your other MBA Professionalism Committee members.

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.



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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

On the Road Again: Practicing Across State Lines in the Northwest



In late 2007, Oregon and Alaska began reciprocal admission. Oregon already had reciprocal admission with Washington and Idaho since 2002. This year, Alaska joined Oregon, Washington and Idaho in updating its professional rules to largely reflect the current ABA Model Rules. Although individual differences remain in each state, the similarities now far outweigh the distinctions. The updated professional rules also brought with them a significant expansion of temporary multijurisdictional practice (MJP) so that each state's MJP rule is now patterned on the national standard, ABA Model Rule 5.5. In short, lawyers in the Northwest today can practice across state lines in ways that simply did not exist even 10 years ago.

In this column, we'll briefly survey the changes in lawyer licensing and MJP in Washington, Idaho and Alaska. More on each and accompanying forms and admission instructions are available at, respectively, www.wsba.org, www.state.id.us/isb and www.alaskabar.org. Although federal court pro hac vice admission remains the province of each federal district, the Oregon district court's Web site (www.ord.uscourts.gov) has links to the other districts throughout the Ninth Circuit. Moreover, because each of the federal districts in the Northwest uses its state professional rules to regulate lawyer conduct, the closer alignment of those rules will benefit federal practitioners as well.

Washington

Washington uses a "mirror image" reciprocity rule (Admission to Practice Rule 18): it allows admission of out-of-state lawyers on substantially the same basis that an applicant's "home state" allows admission of Washington lawyers. Therefore, the standards for Oregon lawyers to be admitted in Washington are, ironically, effectively governed by the Oregon admission requirements (see Oregon Admission Rule 15.05, available at www.osbar.org). In brief, an Oregon lawyer seeking admission in Washington (based on the lawyer's Oregon license) must: (1) have graduated from an ABA accredited law school; (2) have passed the bar exam in Oregon, Idaho, Alaska or Utah (Oregon's other reciprocal jurisdiction); (3) be an active member of the Oregon State Bar; (4) have "actively practiced" (as defined by rule) for three of the four years immediately preceding the application; and (5) possess satisfactory "good character." A reciprocal admission applicant must

also complete specified CLE courses in Washington law.

Temporary practice in Washington, by contrast, is governed by RPC 5.5. Under Washington's MJP rule, which is patterned on ABA Model Rule 5.5, temporary practice is authorized in Washington for lawyers who: (1) associate with a Washington attorney on a particular matter; (2) are appearing pro hac vice in a Washington court proceeding or who are temporarily in Washington for a deposition or the like arising out of a "home state" case; (3) are temporarily in Washington for an arbitration or mediation relating to a "home state" matter; and (4) are temporarily in Washington handling a business transaction or other non-litigation matter for a "home state" client. Washington's MJP rule also allows practice by out-of-state in-house counsel and lawyers who are authorized by federal law to practice in federal proceedings regardless of Washington licensure. Under Washington RPC 8.5(a), lawyers who practice under its MJP rule are also subject to its regulatory jurisdiction.

Idaho

Idaho, too, uses a "mirror image" reciprocity rule (Idaho Bar Commission Rule 204A). Therefore, its standards for Oregon applicants are similar to Washington except that a reciprocal admission applicant must have practiced for three of the past five years immediately preceding the application. Again like Washington, Idaho also requires a reciprocal admission applicant to complete specific CLE courses in Idaho law.

Although structured somewhat differently than the corresponding ABA Model Rule, Idaho RPC 5.5 generally permits the same categories of temporary practice as those just catalogued for Washington. Idaho's MJP rule also allows practice by out-of-state in-house counsel (although Idaho Bar Commission Rule 220 also requires in-house counsel registration) and where federal law preempts state licensing. Under Idaho RPC 8.5(a), lawyers who practice there under its MJP rule are also subject to its regulatory jurisdiction.

Alaska

Alaska also uses a "mirror image" reciprocity rule (Alaska Bar Rule 2). Therefore, its standards for Oregon applicants are similar to Washington and Idaho except that a reciprocal admission applicant must have practiced for five of

ANNOUNCEMENTS

Disability Rights Oregon Open House

Disability Rights Oregon has scheduled an open house from 5-7 p.m. on June 18. Details are available at www.disabilityrightsoregon.org. Secretary of State Kate Brown will be attending.

St. Andrew Legal Clinic Race for Justice

The ninth annual race is scheduled for Saturday, June 20 at The Madeleine Parish in NE Portland. Participants help raise money for this nonprofit organization that provides sliding-scale family law services to low-income families. For details or to register, visit www.salcgroup.org.

MBA Noon Time Rides

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

The Multnomah County Family Law Group (MCFLG)

This group meets monthly in the 1st floor conference room of the US Bancorp Tower, 111 SW 5th Ave. On September 21, Dr. Charlene Sabin will discuss high conflict families.

If you would like to receive an email invitation (RSVPS required) to this and other MCFLG luncheons, please contact David Bean at dib@meyerwyse.com.

Oregon Criminal Defense Lawyers Association Meets in Bend

The annual conference, the organization's 30th, is June 16-18 at Seventh Mountain Resort in Bend. Speakers include Oregon Supreme Court Chief Justice Paul

J. De Muniz, Barry Scheck of the Innocence Project, Kobe Bryant defense counsel Pamela Mackey and Stanford Law Professor Jeffrey Fisher.

In addition to this roundup of speakers, many of Oregon's own defense attorneys will present at a three-day CLE. The conference also features several social gatherings, including a job fair for anyone interested in finding out more about the public defense system and opportunities throughout the state. For complete details, please visit www.ocdla.org.

Homes Needed for the Summer for College Students

The Bus Project's Foundation is seeking host homes for college juniors, seniors and recent graduates participating in a 10-week community program to learn about grassroots organizing, public policy and political process.

Dates: June 13-August 22

Location: Close-in or on easy public transit to inner SE Portland

Host: Provide a room and access to bathroom and kitchen

Students' Schedule: Students participate in the program from 8:30 a.m. to 10 p.m. most days, including weekends.

For more information, contact Caitlin Baggott, Acting Executive Director, Bus Project, 503.233.3018

National Lawyers Guild (Portland Chapter) and ACLU of Oregon Cosponsor Conference

Wednesday, June 17 at PSU, a conference entitled "Civil Liberties Under Obama - Are We Still At Risk?" will be held at 7 p.m. at the Urban Building on SW 5th and Mill. Panels include: Racial/Ethnic/Religious Profiling and

Preventive Detention; Life After Guantanamo - How to deal with alleged terrorists within the criminal justice system; Fighting Back - Holding Perpetrators of Abuse Responsible (accessing documents and information; civil litigation).

Speakers include Steve Wax, Federal Public Defender and Joann Bowman, Executive Director of Oregon Action. Admission is free. For information or to RSVP, contact Mark Kramer at 503.243.2733 or mark@kramer-associates.com.

De La Salle North Catholic High School Seeks Students, Sponsors and Internships

This high school provides a quality college prep education for low-income students. De La Salle North opened its doors in North Portland in 2001. Current enrollment is 272 students. The majority of students are African American, Latino or Asian. Last year, 98% of its seniors were accepted to college.

All students work in corporate internships at over 50 businesses such as Nike, Xerox and KeyBank. Corporate sponsors pay \$2,500 per month and in exchange receive a work team that provides 40 hours per week of entry level services.

To learn about how your firm could participate in the internship program, how new students can enroll or to financially support this school, contact Chris Shine at 503.285.9385 x126 or cshine@dlsnc.org.

You may find De La Salle North on the web at www.delasallenorth.org.

the past seven years immediately preceding the application. Again like Washington and Idaho, Alaska also requires a reciprocal admission applicant to complete specific CLE courses in Alaska law.

Alaska RPC 5.5 closely parallels its ABA Model Rule counterpart and generally permits the same categories of temporary practice as those outlined for Washington and Idaho. Alaska's MJP rule also allows practice by out-of-state in-house counsel and where federal law preempts state licensing. Alaska RPC 8.5(a) also imposes regulatory jurisdiction on lawyers who use its MJP rule.

Mark Fucile of Fucile & Reising LLP 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.

President's Column

Continued from page 1

program on meditation and stress reduction for lawyers, and now have a weekly group that meets to sit and learn to calm the frantic wanderings of our minds. This spring we tried to envision better ways of resolving conflict in a new age where few cases proceed to trial, and had the opportunity to learn from three great teachers of conflict resolution. It was gratifying to hear the feedback - these were among the best CLE programs you've ever attended.

I am grateful for the feedback you offered all year long. I heard from so many people about columns I wrote or work the MBA was doing or not doing. Your input is important for us to tune in to what you want.

I am also grateful for the work and support of the Board of Directors and the staff of the MBA - to Judy, Guy, Kathy, Carol, Ryan and Pamela. You made it all more enjoyable and easier.

I am grateful for the yearlong advice and support of Leslie Kay, whose clear and solid judgment will make her a great leader of this association. As this column arrives, she will have led the Board in a strategic planning retreat for the coming year.

And so we end where it began - the start of a glorious Oregon summer. I enjoyed the journey.

Community Development Law Center News

The Community Development Law Center (CDLC) hosted an open house in April to celebrate and to build community support for its role in providing access to justice for Oregon's poor.

The CDLC serves low-income Oregonians by representing community-based organizations. It provides legal services to nonprofit organizations in real estate, land use, construction,

economic development, nonprofit tax matters, asset management, sustainable living and environmental matters.

The organization also helps nonprofits with corporate governance issues, employment issues and regulatory compliance matters.

The CDLC is a program of Legal Aid Services of Oregon and was founded in 2000 through the assistance of the Campaign for

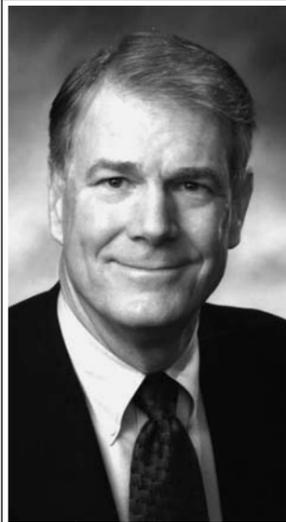
Equal Justice to increase the number of low-income housing units in Oregon.

CDLC's new Executive Director is Ann Glynn, who has been legal counsel for nonprofit organizations focused on people with disabilities, arts and culture, and low-income commercial and residential development.

Another recent addition to the staff at CDLC is attorney Cindy Cumfer, whose practice has focused on representing nonprofit groups. Her clients have included charities, educational organizations, social service organizations, immigrant and ethnic groups, quasi-governmental nonprofits, and advocacy groups. She is the co-author of *The Oregon Nonprofit Corporation Handbook*.



Diane Hess of Fair Housing Council of Oregon, Tom Matsuda Legal Aid Services of Oregon Director, and Leon Laptook of Oregon Opportunity Network (former CDLC Director).



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For Employers and Employees: A Guide to Our Economic Downturn

By Christina Thacker, Barran Liebman.

Excerpts from an article first published in the March 2009 issue of the Oregon Civil Rights Newsletter.

Although recent economic news is disheartening, attorneys and civil rights advocates can help ensure that workers and employers comply with the law and access available benefits in times of downsizing.

When a reduction in force is necessary, employers must decide how to select employees for layoff. Potential criteria, which prudent employers will put in writing, include seniority, performance reviews, versatility, closure of a department or production line, elimination or consolidation of specific jobs, the possibility of subcontracting and relative ability.

In determining whom to lay off, employers should also consider contractual limitations, such as individual employment agreements; collective bargaining agreements; quasi-contracts in the form of employee handbooks, personnel policy manuals, or bulletins; and any other oral or written promises to employees. Employers are prohibited from using Equal Employment Opportunity (EEO) protected classifications in making layoff decisions and must also comply with applicable reinstatement provisions under various medical and military leave laws. Employees challenging a layoff on EEO grounds gain an advantage if the former employer has not kept adequate records.

Giving employees notice

The Worker Adjustment and Retraining Notification (WARN) Act generally applies to employers with 100 or more employees and imposes certain requirements on those employers to provide advance notice to affected employees and local government officials when closing a plant or instituting a "mass" layoff. If a layoff includes unionized employees, the selections and benefits must satisfy the terms of the applicable collective bargaining agreement. Additional obligations are imposed by the National Labor Relations Act and the WARN Act in terms of bargaining and notice to the union.

On June 9, the MBA is hosting a CLE class on Practical Employment Law Guidance in an Economic Downturn. See the enclosed flyer for more information.



Offering employees packages as part of layoff

If the employer provides severance pay to laid off employees, a general release of claims should be a condition of that payment. Such agreements must meet certain basic requirements, including some payment in addition to all wages and benefits legally owed; a list of which claims the employee is releasing; and if the employee is aged 40 or over, specific language regarding protections provided under the Older Worker Benefits Protection Act.

Paying wages and benefits

To avoid stiff final pay penalties, employers must follow strict timelines in providing a terminated employee with his or her final paycheck including all final wages and, when applicable under company policy, benefits such as vacation or personal time off accruals. The recently passed federal stimulus package contains provisions regarding COBRA benefits that entitle certain employees to receive subsidies for health insurance premiums.

Considering alternatives

Before an employer makes the decision to lay off any employee, alternatives should be considered, including brief shutdowns, reduced work hours, pay cuts or freezes, limitations on overtime work, early retirement offers, hiring freezes, use of the Employment Department's WorkShare program, and job sharing. Employers must be cognizant of numerous wage and hour and other issues that arise in connection with such options.

Employers and employees can alleviate the stress of layoffs by understanding each party's rights and obligations and working proactively to ensure that those rights are honored and those obligations are met.

Christina Thacker, of Barran Liebman LLP, litigates employment-related claims on behalf of employers and advises employers on best practices and compliance with employment laws.

Sam Imperati, JD Mediator



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AROUND THE BAR

SCHWABE WILLIAMSON & WYATT

The firm has hired a federal affairs lobbyist to provide government relations' expertise to its clients.



Milt Stewart

DAVIS WRIGHT TREMAINE

Partner **Milt Stewart** has been inducted into the Indiana University Academy of Law Alumni Fellows, the highest honor the law school bestows upon its graduates. He also recently served as a judge for FutureFirm 1.0, a global competition to envision the successful large law firm model of the future.

The induction into the Indiana University Academy of Law Alumni Fellows is a prestigious designation for Stewart. The award goes to alumni who have distinguished themselves in their careers.

Stewart, along with the panel of other FutureFirm 1.0 judges, selected the winning team of the two-day competition based on its business model that emphasized a more collaborative and equitable working environment, an alternative fee billing plan for clients, and a focus on making the firm's attorneys as efficient and cost-effective as possible.



Stan Samuels

BATEMAN SEIDL

Stan Samuels, senior counsel at the firm was honored at the *Best Lawyers* 25th anniversary event, recognizing those lawyers who have been listed in the publication for 25 consecutive years.



John M. Junkin



Andrew Schpak



Joseph W. West

GARVEY SCHUBERT BARER (GSB)

John M. Junkin and **Joseph W. West** have joined the firm, expanding its business, real estate, land use, condemnation, government and banking law capabilities. These well-respected attorneys enhance GSB's established real estate and land use practice group, which is chaired by **Edward Sullivan**.

STAHANCYK KENT ET AL

The firm was awarded the Association of Marketing & Communication Professionals' Platinum Hermes Award for creative achievement in magazine placement.

STOEL RIVES

The firm has published a guide to federal clean energy funding opportunities under the \$787 billion American Recovery and Reinvestment Act (ARRA). Signed into law by President Obama on February 17, ARRA contains almost \$94 billion in investments and tax incentives for renewable energy, smart grid/transmission, energy efficiency, green vehicles and green job training.

The guide, entitled *Show Me the Money*, reviews the various programs and potential sources of federal funding for clean energy companies and projects and is available on request at www.stoel.com/lawofseries. Additional information on Stoel Rives' Renewable Energy capabilities is available at www.stoel.com/renewableenergy.

BARRAN LIEBMAN

Outgoing YLS President **Andrew Schpak** will serve as a Co-Chair of the ABA Young Lawyers Division Labor & Employment Committee starting this August. He is also now the Supplement Coordinator for *Employment Discrimination Law*, the definitive reference on the law of discrimination in the workplace, published by the Bureau of National Affairs and the ABA Labor and Employment Section. Schpak represents management in employment litigation and provides advice in employment matters.

LANDYE BENNETT BLUMSTEIN

The firm's print advertising campaign, consisting of six ads developed by the team of Robeson Communications and Matheson Design, is the recipient of this year's prestigious Burton Award for Best Law Firm Advertisement. Jerome Hart Photography provided photography for the campaign. The award, co-sponsored by the Association of Legal Administrators and the Burton Foundation, is designed to reward major achievements in the law ranging from literary awards to the greatest reform in law.

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.

MBA Annual Meeting

Continued from page 1

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MBA Award Winners



MBA Award of Merit recipients Eric Waxler, JoLynne (and baby Jordan) Zimmerman, Lisa Naito, Honorable Jerry LaBarre and Julia Hagan (accepting on behalf of the MBA Judicial Screening Committee). (Honorable John Wittmayer not pictured)



YLS Award of Merit recipients Cashauna Hill, Colin Andries and Bernadette Nunley with Michael Dwyer



Andrew Schpak with YLS Rookie of the Year award recipient Dallas DeLuca



Pro Bono award winners Bonnie Richardson, Bruce Rothman, Amie Jamieson, Gene Grant and Carl Neil

Photos by Dan Carter.

Tips from the Bench

By Judge Maureen McKnight, Multnomah County Circuit Court.

New ACall@ System for Family Law and Probate Starts July 6th



The ADaily Call@ system for family law and probate cases is changing. Effective Monday, July 6th, **Aphone-in@ procedures are being replaced with an in-person system.**

Family/probate law trials and hearings will be on a ACall@ docket the business day before the trial or hearing. Starting in July, Call (also known as Trial Assignment) will start at 9 a.m., not 8:30. Parties will be required to appear in person for Call to report their readiness and the estimated time needed. Judicial assignments will be made during that appearance. Only when a party reports that she or he is reporting with the agreement of both sides will the opposing side's presence be excused.

In this situation, it will be the responsibility of the reporting party to inform the other side of the judge, courtroom, and time assigned. Telephone calls from court staff after call to inform parties of case assignments will be discontinued. Computer-generated trial notices are being revised to include notice that the failure to appear for Trial Assignment could cost a party the opportunity to participate in the hearing.

Chief Family Law Judge Nan Waller will handle Call when she is available. The courtroom for Call will be posted daily on the bulletin board in Room 211. Lawyers and litigants should check there to confirm the location of Call/Trial Assignment.

Two reasons underlie the reason for the change. The first is the significant time court staff spends receiving readiness reports by phone and making assignment calls to parties the next day.

With the severe budget shortage facing the courts, a more efficient method of handling this docketing process is necessary. The second reason is the continuing problem of parties not phoning in the day before Call. Many A15 minute matters@ then placed on judges dockets turn out to be still-contested matters that have to be re-set on the day of hearing because the trial judge does not have available more than the 15-minutes scheduled. The phone-in system has been complicated for some self-represented litigants to understand and some attorneys and parties have abused the system to obtain set-overs on the day of trial that otherwise were not available.

Retained Cases

Cases already retained by an individual judge are not on the ACall@ docket. Lawyers and litigants should know, however, that many Family Court Judges follow similar procedures in their own departments, and expect to hear from parties at least by two business day before the trial/hearing date regarding readiness and expected time needs. This courtesy call is the only way that individual judges know their schedules have opened up, with time they can offer to the Acall@ process the next day. Similarly, when reporting settlements, attorneys will want to make sure they have checked with the Judge's staff to confirm whether an appearance is still necessary. Many Family Law Judges require either a signed settlement judgment/order or an appearance to put the settlement on the record when a settlement is reported on a retained case.



By Carol Bernick, Davis Wright Tremaine and Court Liaison Committee member.

Presiding Judge's Report

Doug Bray reported on the status of HB 2287 which adds new fees and raises existing fees to increase state revenue. The proposal will raise approximately \$40 million in the 09-11 biennium, and directs the revenue to support the operation of the Oregon Judicial Department and to the state general fund. Among the new proposed fees are a \$10 fee for filing ex parte orders and judgments for judge's signature; a \$50-100 fee for settlement conferences; a \$50 fee for requesting a continuance of trial date. There are also new fees for satisfaction of judgments, probation violation assessment and several criminal matters. There are provisions in the law now for the deferral and waiver of fees which will apply to the fees in civil actions in this bill.

Judge Maurer reported that Chief Justice De Muniz will have more guidance on the budget reductions after the May 15 revenue report and what it will mean to OJD. At a 5-10 percent budget reduction, Multnomah County will lose all of its referees (13.8 FTEs), under the chief justice's current budget reduction plan.

Judge Maurer was asked about the Circuit Court Judges' Association program that is providing grants to court employees who establish need.

At their first meeting, the judges approved 90 applications. This is a state-wide effort to assist employees who are being impacted by furloughs and other budget cuts. The committee urged Judge Maurer and the MBA to find ways to promote the program.

ABA Report from MBA Board Liaison

Scott Howard attended the ABA Conference in Boston where the President of the Chief Justices Association, Margaret H. Marshall, Chief Justice of Massachusetts, spoke. She discussed three challenges of state courts:

- (1) Gap in funding, estimated to be \$350 billion nationwide. Some examples of the impact of that gap include New Hampshire, which is having an entire month without jury trials; Florida which has 280 open court positions and Maine which has dismantled its metal detectors because it cannot afford to staff them;
- (2) Access to justice;
- (3) Independence of the state judiciaries.

Spring Brown Bag

Judges You, LaBarre, Matarazzo and Jones will speak at the brown bag lunch which will be primarily an open forum.

County Liaison Report

Kathryn Villa-Smith reported that there was a new justice of peace position opening at Clackamas County for which they had received a number of applications. Nobody has been appointed to date.

Web site

Carol Bernick reported on the protectoregoncourts.com Web site and the video project that is in its beginning stages which will focus on the importance of juries.

Subcommittee to Assist Court During Budget Crisis

The committee was reminded that at the last meeting a subcommittee volunteered to work with presiding court to find ways that the bar could help the court during the budget crisis. Those committee members are Kathryn Villa-Smith, Shelia Potter, Heidi Moawad, Chris Howard and Anne Talcott.

The committee thanked Anne Talcott for her excellent service as the chair of the committee in the last year.

The committee adjourned for the summer. The next meeting will be in September, 2009.

NEW MBA and YLS Directors Announced

The following members have been elected to the position of Director on the MBA and YLS Boards.

MBA Board

Carol J. Bernick
Davis Wright Tremaine

Julia M. Hagan
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Gregory Moawad
Multnomah County District Attorney's Office

YLS Board

Nicholas A. Kampars
Davis Wright Tremaine

Yumi Minagawa O'Neil
Multnomah County Circuit Court

Bernadette Dieker Nunley
Multnomah County Attorney's Office



2009-10 MBA Board (left)

Back row: Scott Howard, Julia Hagan, Greg Moawad, Keith Garza, Steve Blackhurst, Carol Bernick, Susan Marmaduke, Jeff Crawford and Michelle Druce. Seated: Justin Leonard, Leslie Kay and Michael Dwyer. Not pictured: Sarah Crooks, Bonnie Richardson and Lisa Umscheid

2009-10 YLS Board (right)

Back Row: Christiane Fife, Nick Kampars, Bernadette Nunley, Jennifer Durham, Yumi O'Neil and Klarice Benn
Seated: Justin Leonard, Kim Griffith and Andrew Schpak.
Not pictured: Lainie Dillon and John McVea



Profile: Oregon's New Attorney General – John Kroger

By Heidi Moawad, Multnomah County District Attorney's Office.

On the day after Oregon's May 2008 primary, a colleague of mine arrived at work. "I just saw the coolest thing," he said, "John Kroger was standing with a sign by himself on the Hawthorne Bridge, thanking the voters."

He was thanking them, of course, for the votes that gave him the majority in the primary and led to a virtually uncontested election in November. In what was one of the most watched elections in the primary, Kroger defeated State Representative Greg Macpherson for the position.

Unlike Macpherson, Kroger is not an Oregon native. He grew up in Houston, Texas, joining the Marines at 17. Kroger attended Yale University where he majored in Philosophy. After graduation, he got his first taste of politics, working for Congressmen in Washington DC. In 1991 he went to work with President Bill Clinton's campaign and, once Clinton was elected, Kroger was a member of the transition team. He then went on to work at the US Treasury Department. Kroger says he enjoyed his time working in the political arena, but found that the work lacked the concrete results he wanted

for greater job fulfillment. As he pondered his options, he decided on law school. His hope to go into prosecution was the driving force

taking a break to assist with the prosecution of Enron executives.

In the fall of 2007, Kroger

"His hope to go into prosecution was the driving force ... knowing he could still serve the public while protecting them and getting tangible results."

behind that decision, knowing he could still serve the public while protecting them and getting tangible results.

Kroger's work as a prosecutor with the US Department of Justice is detailed in his biography *Convictions: A Prosecutor's Battles Against Mafia Killers, Drug Kingpins, and Enron Thieves*. His work began in New York, and included time with the emergency response to the September 11, 2001 attacks in the city.

His love of Oregon, a state he visited as part of a bicycling trek across the country, led him here in 2002 when a position opened up at Lewis & Clark Law School. He taught there for about five years,

announced his candidacy for Oregon attorney general about one month after Hardy Myers stated he would not seek re-election. Myers had been attorney general for Oregon for 12 years when he retired. Myers was previously a litigator and one of the issues raised during the primary was whether or not the office of attorney general was better suited for a civil litigator or a prosecutor.

Kroger believes his prior experience as a prosecutor has been invaluable in his first 100 days in office. Since taking office in January, He has been tasked with overseeing the investigation into allegations about Portland Mayor Sam Adams and his relationship with Beau Breedlove. Kroger says that without

a doubt, his prosecution experience has enabled him to conduct the investigation personally and it does not require him to defer to the experience of others.

When asked to discuss other landmarks that he has accomplished in his first 100 days as Oregon's attorney general, Kroger discusses his stated goal of enhanced consumer protection and immediately cites the two major lawsuits his office has filed against UBS and Oppenheimer Funds. Each were responsible for managing some of the monies for the Oregon Public Employee Retirement System (PERS) and Oregon's 529 college accounts respectively, and a successful lawsuit could result in millions of dollars returned to Oregonians.

"Kroger is someone who truly loves his work as a public servant..."

Kroger is also pleased about a settlement reached early in his tenure with Countrywide Mortgage. The state received \$1 million and Countrywide



John Kroger

also agreed to renegotiate 4,600 mortgages that will provide untold relief to Oregonians around the state. His office also reached a settlement with pharmaceutical giant Eli Lilly totaling \$8.9 million. Finally, he is pleased that Senate Bill 328 has already passed both chambers of the Legislature and has been signed into law. SB 328 will enable the attorney general's office to prosecute unlawful debt collection practices.

In addition to consumer protection, Kroger set a goal to have a higher profile for the attorney general in the area of environmental law. To that end, his office joined the State of Washington's lawsuit demanding that the US Department of Energy

Continued on page 12

Remarks by MBA Professionalism Award Recipient Judy Danelle Snyder



Judy Danelle Snyder with Michael Dwyer, MBA President

While preparing these comments following my learning of the MBA 2009 Professionalism Award, I spent a good bit of time reading the rather significant amount of information which has already been published in Oregon about professionalism. That may have been a mistake. After completing my review, which was by no means exhaustive, I was left with the task of pondering what was left to be said about the issue of professionalism. So, as it tends to do, my mind wandered off in different directions and has led me the point of sharing my perceptions about the practice of law in Oregon.

My initial perception is that of being impressed by the culture of professionalism which has been nurtured in Oregon and which is regularly reinforced. To my knowledge, this culture began even before 1990 when the OSB adopted the first iteration of the Statement of Professionalism. It has been

nourished by the focus placed on professionalism by the MBA, which has designated a bar member to receive its professionalism award each year since 1989; by the Litigation Section of the OSB, which has presented an annual professionalism award each year since 1997; by the two Inns of Courts which have thrived in the Portland area for the past two decades; by the Statement of Professionalism which has been adopted by the US District Court for the District of Oregon and by the regular discussion of professionalism at CLEs throughout Oregon for the past two decades.

My second perception is that in reviewing the distinguished list of past MBA Professionalism Award recipients, I am struck by the large number who are litigators. Therefore, the logical question is, "Why?"

There is no empirical data to answer that question but, I have developed some theories of my own. It is not likely that litigators are more professional as a group than attorneys who practice in other areas of the law: business, estate planning, tax, real estate are all areas of practice in which there must be occasional temptations to proceed in a manner less than professional. However, it is apparent that there are many opportunities for litigators to cross over into unprofessional

behavior and to do so in a very public way. Therefore, I believe there is a greater attention paid to the conduct of trial attorneys. After 36 years of trial work, I have also developed some opinions of what keeps this issue on the front burner for trial attorneys:

- We may be faced with the need to defuse a perception by some clients that they are better served if they hire the "junky dog" style of litigator;

"We, too, must reaffirm our commitment to the highest standards of professionalism..."

- The demands of some clients, or perhaps the apparent need of some opposing attorneys, to win at any cost can push decisions and our judgment to the line, and (a) require attorneys to exercise their professional and independent judgment as to the proper use of discovery or proper tactics during the trial, and (b) to explain to our clients the reason for the choices we are making;
- We have a duty to solve problems often in a public arena where there are many ready witnesses to our behavior - the judicial staff, the judge, witnesses, opponents, etc.

- We have many opportunities to disagree during the course of a case - likewise, we have many opportunities to be unnecessarily disagreeable regarding the quantity of discovery, the scope of discovery, the examination of parties and witnesses at deposition, the candor with which we approach settlement and trial;
- We are likely to face a tension between the desires of our

- clients to either quickly end the dispute, or perhaps to prolong the dispute, and we need to balance those expectations with our responsibility to proceed professionally;
- We have a duty to accurately represent the facts at all stages of the litigation;
- We have a duty to pursue only that litigation which has merit;
- We have a duty to represent our clients' best interests while seeking to resolve matters with a minimum of legal expense to all involved; and
- We have a responsibility to be aware of the place of the justice system in society and the role of the lawyer as part of that system.

The third conclusion I came to is that despite my receiving the 2009 Professionalism Award, each day starts with a clean slate. When I walk into the office tomorrow, I will once again be met with multiple opportunities on a daily basis to choose to respond to situations professionally or to forget these lessons. I sincerely hope neither I nor my colleagues in the bar will stray from the standards of professionalism. But, despite the significant honor of receiving this award, it is not like being designated as a saint - an honor which is not awarded until after the recipient has died and the entire body of his or her work is frozen in time. It is not a permanent state of grace. Rather, what the MBA has done this year is to present to a humble and very grateful trial attorney an award which is both a blessing and a burden. I must acknowledge that there no doubt have been occasions in the past when I have erred and sadly there are likely to be occasions in the future when I may err again. This is the nature of the human condition. But, I assure each of you that the high bar which has just been set by this award now presents a goal toward which I will work even more diligently each day of my practice. Please join me in that effort.

Continued on page 11

Reaching Out to the Community and Local Youth Community Law Week 2009

By Katherine de la Forest, Hagen O'Connell and YLS Service to the Public Committee member.

The members of the YLS Service to the Public Committee once again recruited members of the Multnomah County legal community to host Community Law Week (CLW) for the general public. The theme was A Legacy of Liberty: Celebrating Lincoln's Bicentennial. Over 70 law firms and legal professionals donated their time and resources to CLW, an annual event that provides legal education, access and assistance to the public. As before, this year's CLW volunteers coordinated a clothing drive for the Dress for Success charity at local law firms, organized a "Tell it to the Judge!" event at Lloyd Center Mall and hosted Free Legal Information Booths throughout Multnomah County. In addition, Attorney General John Kroger held an informative community roundtable event, taking questions from the audience.

This was the third year for The YOUTHFILM Project, a student filmmaking contest, encouraging local youth to express themselves creatively while learning more about our government and justice system. Committee chair Laurie Hager and committee members Ted Broberg, Ethan Chatov, Timothy Crippen, Lainie Dillon, Jennifer Durham, Amber Hollister, Stephen James, Katie Lane, Justin Leonard, James Miner, Ari Okano and Judy Parker were instrumental in creating and organizing this successful project. Students produced short films on two topics: A Legacy of Liberty: Celebrating Lincoln's Bicentennial, and Oregon's Sesquicentennial of Statehood.



Justice De Muniz with filmmakers



The YOUTHFILM Project Committee with Justice De Muniz

On April 28, Oregon Supreme Court Chief Justice Paul J. De Muniz presented awards to the teams of elementary, middle and high school student filmmakers at the screening and awards ceremony before an enthusiastic audience at the Hollywood Theatre. The young filmmakers



Screening marquee at the Hollywood Theatre

were excited to meet Chief Justice De Muniz and honored to have him present their awards. To honor the work of these student filmmakers, Governor Kulongoski proclaimed April 28 as "Young Filmmakers' Day." For more information and to view winning films, please visit www.theyouthfilmproject.org.

On May 2, seven Multnomah County judges and referees generously volunteered their time for the final event of CLW: "Tell it to the Judge!" Members of the public enjoyed speaking with the judges about their views on the justice system, their concerns and their general legal questions. A legal information booth next to the "Tell it to the Judge!" table provided pamphlets to citizens with specific questions about several areas of the law.

CLW would not have been possible without the following individuals on the YLS Service to the Public Committee: Olivia Zirker is the chair of this year's YLS Service to the Public Committee.

Aaron Bass of Sather Byerly & Holloway and Jamie Jeffers of Abbott Law Group co-chaired this year's 2009 Community Law Week.

Slone Pearson and Katherine de la Forest, both of Hagen O'Connell, served as this year's CLW fundraising co-chairs.

Jodie Ayura of Bodyfelt Mount, Aaron Bass of Sather Byerly & Holloway, and Eric Fitzgerald of Fitzgerald Law were this year's publicity coordinators, creating brochures and posters

that were distributed throughout Multnomah County and sending press releases and advertisements to more than a dozen area publications and organizations.

Erin Fitzgerald of Fitzgerald Law and Raife Neuman coordinator this year's Legal Information Centers, involving 20 attorneys at 10 locations throughout Multnomah County.

Derek Green of Davis Wright Tremaine, Jamie Jeffers of Abbott Law Group, Skip Newberry of the City of Portland Mayor's office and Troy Nixon recruited seven judges and referees from Multnomah County Circuit Court to meet with the public and answer questions for "Tell it to the Judge!"

Courtney Duke of Schroeder Law Offices, Cashauna Hill of Oregon Law Center and Jamie Jeffers of Abbott Law Group organized our Community Event, a roundtable discussion with Attorney General John Kroger.



Members of the public speaking with Multnomah County judges at the Tell it to the Judge! event

Courtney Duke of Schroeder Law Offices and Jeanne Sinnott of Miller Nash organized a clothing drive for Dress for Success of Oregon, an organization that helps women get back on their feet and prepare for the workforce. "Law Firm Captains" encouraged their colleagues to donate.

CLW is truly an amazing collaborative event of the Multnomah County legal community. If you were unable to participate this year, please consider joining us next year. For more information, contact Katherine de la Forest, kdelaforest@hagenoconnell.com.

Thank you Community Law Week and YOUTHFILM Project Executive Producers!

Ater Wynne LLP
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April Social a Success

By Fred Schroeder & Samantha Gamboa, YLS Membership Committee members.

On April 30, the YLS Membership Committee hosted its annual Meet the Judges Drop-in Social at Trees Restaurant. The event was well attended and provided young lawyers with an opportunity to meet judges in an informal setting.



Marisol Cordero-Goodman and Judges Adrienne Nelson and Steve Bushong purchase raffle tickets to benefit CourtCare

This year's social again included a raffle drawing for the benefit of Multnomah CourtCare, a nonprofit childcare service that provides children with a safe and comfortable place in the courthouse. YLS would like to acknowledge the support of the local businesses that donated prizes for the raffle, which generated \$1,330 for CourtCare! Thanks to Schwabe Williamson & Wyatt for sponsoring the event and a special thanks to all of our donors: Blush Beauty Bar, Brooksby Kaempf, Custom Wine Marketing, El Gaucho, Higgins, Marisol Cordero-Goodman, Matt Larson, Paloma Clothing, Peet's Coffee, Sokol Blosser Winery, Trees Restaurant and Veritable Quandary Restaurant.

Thank you to all who participated. We look forward to seeing you again next year!



Thank you Community Law Week and YOUTHFILM Co-Sponsors

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Davis Wright Tremaine LLP
Lane Powell PC
Legal Aid Services of Oregon
Meyer & Wyse LLP
Oregon State Bar
Pacific Northwest Paralegal Association
Sather Byerly & Holloway LLP

Special Thanks to Chief Justice Paul J. De Muniz

Thank You Volunteers!

Dress for Success

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Tell it to the Judge

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Hon. Thomas Ryan
Referee Steven A. Todd
Hon. Kenneth R. Walker
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LSC Honors Pro Bono Volunteers from Oregon

By Cathy Keenan, Legal Aid Services of Oregon.

The Legal Services Corporation's (LSC) Board of Directors presented pro bono awards to five members of Oregon's legal community who volunteer through Legal Aid Services of Oregon (LASO). LSC is the federal agency that funds and monitors free civil legal services in the US. Awards were presented during a luncheon reception in April to George Galloway, Lisa Neal-Graves, Hon. Elizabeth Perris, Paul Saucy and Evans Van Buren.



LSC Board member David Hall, Lisa Neal-Graves, Paul Saucy, Hon. Elizabeth Perris, Evans Van Buren, George Galloway and LSC President Helaine Barnett

George Galloway retired from Stoel Rives in Portland to a small town in Eastern Oregon. When he retired, George contacted the Pendleton LASO office and heard that one of the greatest un-met legal needs in his area was for family law representation. Having no prior family law experience, George welcomed the challenge of learning a new area of law. Since then, he has donated thousands of hours of his time, has represented countless clients with family law matters, has litigated child custody matters and has taken a case to the Oregon Court of Appeals. Even in retirement, George remains aware that having a law degree is a privilege that brings with it a responsibility to give back to the community. At the luncheon, George challenged all lawyers to hear the call of clients in need and encouraged attorneys to try family law pro bono work - it has been the most satisfying work of his career.

Lisa Neal-Graves is a business attorney with the Technology Manufacturing Group at Intel Corporation in Hillsboro. Prior to attending law school, Lisa held executive positions in the information technology and call center industries. On behalf of Intel, Lisa collaborated with the Hillsboro LASO office to form the Intel Pro Bono Clinic. During this monthly clinic, Intel attorneys provide legal assistance to low-income people from Hillsboro's five-county service area in Northwest Oregon. Clients receive help with consumer law, employment law and criminal record expungements issues. Lisa has

been the glue that holds this project together. Her enthusiasm inspires her Intel colleagues to say "yes" when asked to volunteer and she volunteers her own time at every clinic.

The **Hon. Elizabeth Perris**, Chief Judge of the US Bankruptcy Court for the District of Oregon in Portland, co-founded the OSB Debtor-Creditor Section's Bankruptcy Clinic. The Bankruptcy Clinic, which is co-sponsored by the Portland Office of LASO and the OSB Debtor-Creditor Section, is a true partnership between legal aid, the bench and the bar. The clinic opened its doors in 1996, has 75 attorneys and judges on its volunteer panel and assists over 250 low-income Oregonians each year. To say that Judge Perris is a strong advocate for the clinic is an understatement - she volunteers at the clinic by teaching informational seminars for clients, she sits on the pro bono committee that coordinates the project, she trains new volunteers and she recognizes volunteers at a yearly reception. Additionally, she actively recruits attorneys for the volunteer schedule by making personal phone calls to members of the bar. Not surprisingly, she has an amazingly high success rate. Judge Perris is a tireless advocate for access to justice and the clinic would not be as successful without her.

Paul Saucy, of Saucy & Saucy in Salem, has been taking pro bono cases referred by the Marion-Polk LASO office for over 20 years. Paul is a family law attorney who does not hesitate to accept the

most complex and contentious pro bono referrals. His law firm has been awarded the Marion County Bar Association Pro Bono Law Firm of the Year Award four different times. Paul's pro bono work has become a family affair, with his daughter and law partner Lauren, his son-in-law and his son all volunteering for Marion-Polk LASO. Paul has been an incredible mentor to and supporter of LASO staff attorneys. In addition to the generous donation of his time, Paul's firm has paid the registration fees for Marion-Polk LASO attorneys to attend important family law conferences and CLEs. Paul's direct and indirect pro bono assistance has helped countless low-income clients over the years.

Evans Van Buren is a solo practitioner in Portland and has been a volunteer with the LASO Senior Law Project for 31 years - longer than any other volunteer with the program. Evans volunteers monthly at a senior center in SE Portland and he typically assists 35 clients per year. While LASO does not have pro bono records dating back to 1978 (when Evans began volunteering for the project), LASO estimates that Evans has already assisted over 1,100 clients. And Evans shows no sign of slowing down. In addition to providing assistance to clients, Evans also trains new volunteers. His work has been praised by senior center staff, LASO staff and clients alike. As Evans said, pro bono work has just become part of his practice.

PRO BONO VOLUNTEERS

Thanks to the following lawyers and law students, who donated their pro bono services in April 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.

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Professionalism

Continued from page 9

Because my comments are inadequate to convey the importance of the practice of professionalism by the bar, I will close by repeating the words of individuals whom I recognize as being both wiser and more insightful regarding this issue. In January of 1991 the Oregon Supreme Court issued an Order approving the Statement of Professionalism which had been adopted by the Oregon State Bar the prior year. The Order of the Supreme Court began as follows:

The Supreme Court of Oregon is committed to the highest standard of professionalism and expects those standards to be observed by lawyers in this state. Compliance with high standards of professionalism depends primarily upon understanding the value to clients, the legal system, the public, and lawyers of adhering to the voluntary standards. Secondarily, compliance depends upon reinforcement by peer pressure and public opinion, and finally, when necessary, by enforcement by

the courts through their powers and rules already in existence. These standards of conduct are not intended to be a set of rules that lawyers can use to incite ancillary litigation on the question whether the standards have been observed by an adversary.

We must always be mindful that the practice of law is, above all, a profession. As members of a learned art, we pursue a common calling in the spirit of public service. We have a proud tradition of leadership in our society, and we now call upon all Oregon lawyers to rededicate themselves to practice law in a manner that maintains public confidence in our profession, faithfully serves our clients, and fulfills our responsibility to the legal system.

We, too, must reaffirm our commitment to the highest standards of professionalism and expect those standards to be observed by all lawyers in this state.



MBA president, Michael Dwyer, hands off ceremonial gavel to 2009-10 MBA president Leslie Kay.



MBF founding directors, Jeff Matthews and Lynn Nagasako were recognized for their service to the foundation. Jeff also served as MBF president and Lynn as treasurer.

Profile - John Kroger

Continued from page 9

speed up their clean up of the Hanford Nuclear Reservation on the Columbia River. The office has also filed an appeal of the Federal Energy Regulatory Commission's approval of the liquefied natural gas project on the Columbia River. The lawsuit has been joined by the federal government.

Looking ahead, Kroger realizes that Oregon's budget crisis could mean leaner times for his office. He is seeking money to enhance his office's ability to prosecute environmental crimes and fund a civil rights enforcement unit. He is part of a group seeking federal stimulus money for local law enforcement.

Even casual observers note that Kroger has significantly raised the public profile of the office of attorney general here in Oregon. But it is the quieter moments - like the one noted by my colleague - that round out the profile of the man. Kroger is someone who truly loves his work as a public servant, and he looks forward to serving Oregonians for years to come.



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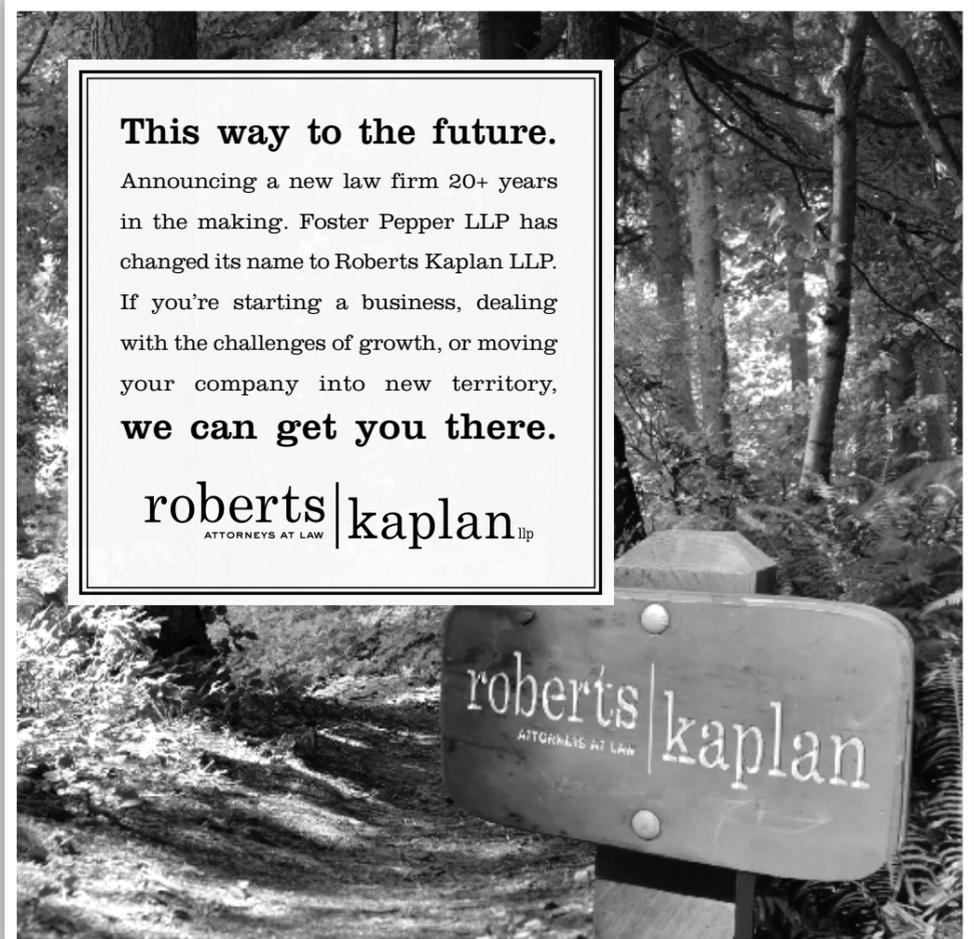
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Our Most Generous Cycle of Giving!

By Pamela B. Hubbs, Office and Foundation Administrator.

In its most generous giving cycle to date, the Multnomah Bar Foundation (MBF) has awarded a combined \$41,375 to six nonprofit organizations serving Multnomah County.

The Bus Project Foundation received \$5,000 for PolitiCorps Community Training Initiative which provides civics skills and leadership training to over 400 college students and recent grads, connecting them with opportunities to serve as campaign and nonprofit organization staff, advocates, community organizers and policy researchers.

The Classroom Law Project received \$15,000 to fund a series of Youth Summits that will involve over 1,200 middle and high school students and provides unique opportunities for students to question adult experts in a congressional hearing format to discuss controversial and timely legal issues. Funding also provides for training and lesson plans for teachers.

Elders in Action received \$10,000 for their Civic Education Awareness Project (CEAP), a new program that will provide civics education through targeted outreach to adults age 60 and over. Speaking engagements, community

events and online features will reach 9,000. Media presentations through MetroEast Community Media, will reach a radio/TV audience of 600,000.

League of Women Voters of Portland Education Fund received \$4,375 to organize Student Leadership Initiative – The Portland Plan, a workshop in partnership with Northeast Coalition of Neighborhoods to introduce 48 students from six inner north/northeast high schools to Portland's efforts to update key city plans, with global warming a primary focus.

Students will provide their input and receive instruction on how to effect those plans.

MetroEast Community Media received \$5,000 to produce Community Involvement is Civic Engagement, a series of informational segments to educate the East County community about civic issues and encourage civic engagement. Segments will air over cable stations in English and Spanish, will be available as downloadable video files and will be shared with other nonprofit organizations as well as the Multnomah County Library system.

YOUthFILM Project, an annual student filmmaking contest presented by the MBA Young Lawyers Section, received \$2,000 to purchase equipment for its digital camcorder lending program and to provide access to professional tools and support through Film Action Oregon. Grant funds will also be used for the screening and awards ceremony at the Hollywood Theatre during Community Law Week.

To learn more about the MBF and the grant application process, visit www.mbar.org/foundation.htm or contact Pamela Hubbs at 503.222.3275 or pamela@mbar.org.

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