



# MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community. January 2011 Volume 57, Number 1

## SPECIAL PRO BONO ISSUE



### Making a Difference

By Sarah Crooks, MBA President.

It's time to renew your commitment to pro bono by taking the MBA's Pro Bono Pledge for 2011. Through the Pledge, we are calling on attorneys to take at least one pro bono matter each year and on law firms to adopt a written pro bono policy and to encourage their attorneys to take the Pledge. And we ask that attorneys

and law firms financially support legal service organizations of their choice. As I am renewing my Pledge for 2011, I am reminded of the first client I represented through the Domestic Violence Project.

The Domestic Violence Project at the Multnomah County office of Legal Aid offers the opportunity to represent a victim of domestic violence in contested-case restraining order hearings. As a young litigator in a large corporate law firm, I was seeking any and all opportunities to have a trial so the Project seemed like a good match for me.

My client - I'll call her Kate - was physically and emotionally abused by her husband. I don't recall the specific details of Kate's case. But I do remember how I felt while representing her. I was scared. Kate's physical safety, not just a corporation's money, was at issue. Interviewing Kate was my first experience in talking with a victim of domestic violence about her story, about the court proceeding that we had to win to keep the restraining order against her abuser, and about how she could stay safe from further abuse whether or not we secured that piece of paper - the restraining order - at the end of the hearing. Kate was also scared, terrified in fact, of her husband and of the court hearing that we faced. And she was looking to me, relying on me, to get her through the hearing. Not wanting to fail Kate, like any good associate working on something new, I spent many hours preparing for the hearing.

By the date of the hearing, I was as well prepared as I could be, but still, I was worried about my first hearing, and so was Kate. She and I had on our best suits, and we walked to the courthouse together. Her husband showed up for the hearing with an attorney, a somewhat rare occurrence, I would come to learn later. With me standing by her side and between Kate and her husband, Kate got through her testimony, which was quite compelling. When the judge announced that Kate won, she was incredibly relieved and grateful.

With relatively few hours of work, I helped Kate keep the restraining order and gave her some measure of protection against her abuser. Obviously, Kate had to take other steps to stay safe, but that restraining order was one important tool for her physical safety. Immediately after we won the hearing, Kate compared my representation of her to her "cute and tough" bulldog. Kate later sent me a card in which she wrote "Words cannot express my gratitude for your time. Thanks again for the kick-ass representation!" In the

card, Kate included a picture of her "cute and tough" bulldog. I've never heard from Kate again, but I know that the few days I spent working with Kate made a significant difference in her life.

Since that first case, I have represented many women, several teenage girls and one man in DV cases, and I have mentored several of my colleagues who have also volunteered with the DV Project. When I first started, the Project offered a great opportunity for me to get trial experience. But my reasons for continuing to take these cases have more to do with my desire to help these vulnerable clients get through a particularly critical moment in their lives. While the DV Project may not be for everyone, I offer my experience with the Project to get you thinking about the type of pro bono work that might appeal to you as you read this special edition, dedicated to pro bono.

The need for pro bono attorneys is greater now than it has been in many years. So I challenge each of you and your law firms to take the MBA's Pro Bono Pledge for 2011 and then take on a matter that matters. You'll find articles in this edition that will help you decide what kind of pro bono matter or project you may want to get involved with and other tips for representing pro bono clients. If you are not already committed to pro bono work, I hope you are persuaded to find a pro bono project that meets your interests and skills. As a pro bono attorney, you will likely have clients who are very appreciative of your help. So grateful, they might even send you thank-you notes and pictures of their dogs.



Kate's bulldog

### 2011 MBA PRO BONO PLEDGE

The MBA Pro Bono Pledge seeks to dramatically increase access to justice by asking attorneys to commit to taking at least one pro bono matter in 2011. Law firm signers are asked to adopt a written pro bono policy and to encourage participation in the individual pledge. Both are asked to financially support legal service organizations.

See the Pro Bono Pledge brochure inserted in this issue; learn more and sign the Pro Bono Pledge at [www.mbabar.org/pro\\_bono.htm](http://www.mbabar.org/pro_bono.htm) and watch your email for a message reminding you to take the pledge.

### 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 Wednesday, February 9, 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 Thursday, April 1. Winners will be officially announced at the MBA Annual Meeting on Tuesday, May 17.

### MBA CLE

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

### January

**Wednesday, January 26**  
**Appellate Basics for Trial Lawyers**

Justice Jack Landau  
Laura Graser  
Jim Westwood

**Monday, January 31**  
**Insurance Coverage in Construction Defect Litigation**

Chris Carson  
Mike Farnell  
Mike Scott

### February

**Tuesday, February 1**  
**Elder Abuse Litigation: Civil and Criminal**

Richard Braun  
Jim Cartwright  
Charles Mickley

**Thursday, February 3**  
**Aiding and Abetting in Employment Discrimination Cases**

Courtney Angeli  
Dana Sullivan

**Thursday, February 24**  
**Real Property Deeds and Title Insurance in Oregon**

Alan Brickley  
Rob Lowe  
Jim Reinhart

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DEADLINE for copy: The 10th of the month\*  
DEADLINE for ads: The 12th of the month\*  
\*or the preceding Friday, if on a weekend.

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- Voltaire



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## Member Resource Center

Welcome to the member resource center, where you will find information of importance to members and the legal community at large.

### courthouse watch

- MBA representatives continue to serve on two county committees focusing on the downtown courthouse; one is studying the courthouse needs and another is exploring funding options.
- The county contracted with SERA Architects to study the feasibility of renovating the current downtown courthouse while maintaining substantial court operations. A mid-contract report was given in December. Final analysis, recommendations and construction cost estimates will be reported in March, 2011. The preliminary report finds that a renovation during operations would likely take between four and one-half to six years to complete. Work would occur between 4 p.m. and 1 a.m. and/or possibly on weekends. Seismic and security upgrades would come first, followed by new HVAC and phasing in its replacement of current systems. Construction would be done two floors at a time, with staging on Salmon which would cause its closure during the renovation timeframe. The goal will be to design for contemporary courthouse standards where possible. The preliminary report indicates that certain operations would be moved out of the building during construction and some would be permanently removed to other buildings. When the final report is available, we will include it on the MBA Web site, with an executive summary in a spring newsletter issue.

### Pro Bono Opportunities

Attorneys interested in gaining experience in criminal, family, immigration, landlord/tenant and employment law matters are encouraged to volunteer for the Attorneys for Youth program. Volunteers are placed on an on-call list and are matched with homeless and near-homeless teens in need. There is no obligation to provide continuing representation to the client.

For more information, please contact Leslie Edenhofer at 503.276.2166.

### Downloadable CLE Seminars

Audio recordings of past MBA CLE seminars are now available for download and use on your personal computer or MP3 device. Simply purchase online and download the audio and written materials in minutes. MCLE-accredited content includes Child Abuse Reporting, Multnomah County Judges Trial Practices, and Ethics Update, among others. Visit the MBA's dedicated MCLE Web site at [www.oregoncle.com](http://www.oregoncle.com) for more details.

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### Classified Advertising

In addition to publishing classified ads in the *Multnomah Lawyer*, the MBA posts all classifieds at [www.mbabar.org](http://www.mbabar.org). To obtain a quote, email your ad text to Carol Hawkins at [carol@mbabar.org](mailto:carol@mbabar.org).

# CALENDAR

For a complete MBA calendar, please visit [www.mbabar.org](http://www.mbabar.org). To add your organization or firm's annual events to the MBA online calendar, contact Carol Hawkins, [carol@mbabar.org](mailto:carol@mbabar.org).

## January

- 4**  
Tuesday, MBA Board meeting
- 10**  
Monday, February *Multnomah Lawyer* deadline
- 11**  
Tuesday, YLS Board meeting
- 13**  
Thursday, YLS Drop-in Social  
See p. 10 for details.
- 17**  
Monday, Martin Luther King Holiday  
MBA office closed.
- 20**  
Thursday, YLS Young Litigators Forum series begins  
See insert or register at [www.mbabar.org](http://www.mbabar.org).
- 26**  
Wednesday, MBA CLE Appellate Basics  
See insert or register at [www.mbabar.org](http://www.mbabar.org).
- 27**  
Thursday, YLS Community Service Day  
See p. 10 for details.
- 31**  
Monday, MBA CLE Insurance Coverage in Construction Defect Litigation  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

## February

- 1**  
Tuesday, MBA Board meeting
- Tuesday, MBA CLE – Elder Financial Abuse Litigation**  
See insert or register at [www.mbabar.org](http://www.mbabar.org).
- 3**  
Thursday, MBA CLE – Individual Liability in Employment Discrimination Cases  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

- 8**  
Tuesday, YLS Board meeting
- 9**  
Wednesday, MBA Board election nominating petitions due
- 10**  
Thursday, March *Multnomah Lawyer* deadline
- 21**  
Monday, Presidents' Day Holiday  
MBA office closed.
- 22**  
Tuesday, CEJ Annual Luncheon at The Governor Hotel  
Visit [www.cej-oregon.org](http://www.cej-oregon.org) for details.
- 24**  
Thursday, MBA CLE Real Property Deeds & Title Insurance in Oregon  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

## March

- 1**  
Tuesday, MBA Board meeting
- Tuesday, MBA CLE Estate Planning for the Gay Community**  
See insert or register at [www.mbabar.org](http://www.mbabar.org).
- 3**  
Thursday, MBA CLE Intellectual Property  
See insert or register at [www.mbabar.org](http://www.mbabar.org).
- 5**  
Saturday, WinterSmash at 20<sup>th</sup> Century Lanes  
See p. 9 for details.
- 15**  
Tuesday, MBA CLE Real Estate/Land Use/Environmental Law  
See insert or register at [www.mbabar.org](http://www.mbabar.org).
- 30**  
Wednesday, MBA CLE Annual Family Law Update  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

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# Ethics Focus

By Mark J. Fucile, Fucile & Reising.

## The "Hot Potato" Rule

Imagine this scene: You have long courted a major technology firm, Big Bucks Software. Big Bucks' general counsel calls to tell you that a \$100 million patent infringement claim has just been filed against it in Portland by a small local firm, Up Start Technology, and Big Bucks would like you to defend it. The general counsel asks if you have any conflicts. You don't think so but will run a conflict check just to be sure. To your chagrin, you learn that one of your partners took on a land use matter three months ago for Up Start. To your greater chagrin, your partner tells you that the land use matter is expected to last at least a year and, although completely unrelated to the patent infringement case, Up Start will not waive the conflict. In your desperation, you come up with the bright idea of simply withdrawing from the land use matter to "cure" the conflict. Your firm's management committee likes the idea but wonders whether there is any down side. Can your firm fire Up Start?

Welcome to the "Hot Potato" Rule. The short answer, as put by the OSB in Formal Ethics Opinion 2005-11 (at 2 n.1), is no: "A lawyer cannot 'fire' a current client in mid-matter to avoid the current-client conflict of interest rules." Formal Ethics Opinion 2005-11 cites the seminal case of *Picker Intern., Inc. v. Varian Assoc., Inc.*, 670 F Supp 1363, 1365 (ND Ohio 1987), *aff'd*, 869 F2d 578 (Fed Cir 1989), where the court gave this concept one of the catchiest names in legal ethics: "A firm may not drop a client like a hot potato, especially if it is in order to keep happy a far more lucrative client."

In this column, we'll look at the contours and consequences of the "Hot Potato" rule.

### Contours

The theory underlying the "Hot Potato" rule is that a firm can't take advantage of the more forgiving former client conflict rule by withdrawing from one of two clients who are adverse. Under the former client conflict rule, RPC 1.9, a conflict with a former client only exists if the matter involved is either the same or substantially related to an earlier matter the firm handled for the former client or would involve using the former client's confidential information adverse to it. Under the more stringent current client conflict rule, RPC 1.7, any adverse representation between current clients creates a conflict that, absent waiver, would in my example prevent the firm from taking on Big Bucks adverse to Up Start. The "Hot Potato" rule holds that the current client conflict standard continues to apply even if a firm has withdrawn from one representation in an effort to avoid a conflict. The Ninth Circuit in *Unified Sewerage Agency*



*v. Jelco, Inc.*, 646 F2d 1339, 1345 n.4 (9th Cir 1981), summarized this rationale in applying Oregon law: "If this were not the case, the challenged attorney could always convert a present client into a 'former client' by choosing when to cease to represent the disfavored client."

The principal exception to the rule occurs when a conflict is thrust upon a law firm, by, for example, a corporate merger involving a client and an adverse party. In that narrow situation, the thrust upon exception allows the firm to withdraw from one of the representations. New York City Bar Formal Opinion 2005-05 (available at [www.nycbar.org](http://www.nycbar.org)) contains an extended discussion of this exception.

Although not technically exceptions, the lateral-hire screening rule (RPC 1.10(c)) and the withdrawal rule (RPC 1.16(c)) provide other potential remedies in some situations that would otherwise give rise to "Hot Potato" issues. The screening rule allows a firm to hire a lawyer who has worked on the other side of an active matter without having that lawyer's conflict imputed to the hiring firm as long as the new lawyer is screened from the matter involved. The withdrawal rule allows a firm to stay on a matter that would otherwise involve a conflict if ordered to do so by a court.

### Consequences

Although the "Hot Potato" rule most often arises in the disqualification context, it has also been applied in the disciplinary setting. *See, e.g., In re Johnson*, 84 P3d 637, 641 (Mont 2004) (citing the rule in a disciplinary case and noting that "[s]uch behavior is unethical[.]") The violation of an ethics rule does not typically give rise to a civil damage claim. But, the Oregon Supreme Court in *Kidney Ass'n of Oregon, Inc. v. Ferguson*, 315 Or 135, 142-44, 843 P2d 442 (1992), found that the conflict rules reflect a lawyer's underlying fiduciary duty of loyalty. Therefore, a fired client in a "Hot Potato" situation might well bring a breach of fiduciary duty claim against the firm.

*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.*

# ANNOUNCEMENTS

### 2011 MBA Firm Visits Offered

Our interactive firm visits are dedicated to finding out what members would like from their MBA membership and how they prefer to volunteer, network and receive communications. MBA representatives include a member of the Court Liaison Committee to answer questions about the courts and to elicit feedback on how the courts could improve services and operate more efficiently. The MBA team also includes representatives for both young and more experienced lawyers as well as a pro bono expert. Participants will learn more about the MBA and the Volunteer Lawyers Project (VLP).

If your office would like our team to come to your office over a noon hour, please contact Guy Walden at 503.222.3275 or [guy@mbabar.org](mailto:guy@mbabar.org).

### Take a Matter that Matters

Sign the MBA 2011 Pro Bono Pledge at [www.mbabar.org/probono.htm](http://www.mbabar.org/probono.htm) and commit to taking at least one pro bono case this year.

### 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.

### Oregon Criminal Defense Lawyers Association (OCDLA) Seminars

The OCDLA will hold its fourth two-day intensive training, the Trial Skills College, on February 4-5 at the UO Law School in Eugene. The program is designed to train trial lawyers in the learn-by-doing approach in a controlled non-threatening environment. Lawyers of all experience levels are eligible and the training will

significantly advance their skills and confidence as a trial lawyer, no matter their experience level. Enrollment is limited to 32 participants. For more information, visit [ocdla.org](http://ocdla.org).

### Queen's Bench Luncheon

The January luncheon is at Trees Restaurant on January 11. The speaker is Judge Adrienne Nelson. The buffet-style lunch, including a vegetarian option, is from 11:45 a.m.-1 p.m. Cost is \$14. For more information contact vice president Christine Coers-Mitchell at [coers@comcast.net](mailto:coers@comcast.net).

### Renew Your MBA Membership Today

If you haven't yet renewed your membership for 2011, please do so today by going online to [www.mbabar.org/membership.htm](http://www.mbabar.org/membership.htm). For questions, please call 503.222.3275.

## Happy New (Membership) Year!

Thank you for being a member. If you have yet to renew for 2011, simply take a few minutes to register online at [www.mbabar.org](http://www.mbabar.org).

Here are just a few reasons to continue your membership:

- **MCLE-accredited content, anytime, anywhere:** MBA CLE seminars cover a wide range of practice areas while downloadable audio recordings provide instant access to a library of past courses.
- **Committees and social events:** Participation in volunteer

outings and committees benefit the community and legal profession and provide valuable networking opportunities.

- **Comprehensive insurance benefits:** MBA membership provides access to group health insurance, dental, vision, life, long-term care and disability plans.
- **Exclusive member services:** Members receive discounts from LexisNexis, Legal Northwest, Office Depot, UPS, Bank of the Cascades, The Naegeli Reporting Corporation and others.

- **Stay connected with the legal community:** Resources such as the *Multnomah Lawyer*, the e-newsletter and the Web site keep you up-to-date with news, events, and an online member directory.

If you would like more information about the benefits of MBA membership, please call 503.222.3275 or visit [www.mbabar.org](http://www.mbabar.org). We look forward to serving you in the New Year.

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The savings on shipping, which increases the more packages or letters the user sends, will be applied once enrollment is complete.

*Know someone who is making a difference through pro bono work?*

*Make a nomination today!*

## MBA • LASO • OLC Pro Bono Awards

### Senior Law Project Volunteer of the Year

*For service to Multnomah County's longest running pro bono project.*

### Michael E. Haglund Pro Bono Award

*For Young Lawyers in LASO, OLC, or MBA YLS pro bono projects.*

### Pro Bono Award of Merit

*For exemplary pro bono work.*

**Look for the insert in this issue.**  
*Nomination deadline February 14*

# A Retiree's Pro Bono Practice

By Mary Lou Haas.



I came to the practice of law at 45, midway in my career life. I served as an assistant attorney general in the Oregon Department of Justice. Among other assignments, I represented the state as a creditor in bankruptcy proceedings.

When I turned 62, I chose an early retirement. After 16 years as a lawyer I was ready to live life without the stress of caseloads and deadlines, the pressure to meet billable hour expectations, and the need to satisfy continuing legal education requirements. I was ready to live life where the only boss I had was me. I wanted

to set my own priorities, plan my own days and reap the benefits of my years of hard work.

Yet here I am, hoping to reach other lawyers contemplating retirement to urge them to join me in a retirement pro bono practice. To help us do that, the OSB created a new license status: Active Pro Bono. The fee is the same as an inactive membership. There is no MCLE requirement although special accommodations can be made for pro bono attorneys to attend CLE classes at reduced fees and sometimes free of charge.

There is no service hour requirement to be in the Active Pro Bono status. If you work with a certified pro bono provider such as the volunteer programs sponsored by Legal Aid Services of Oregon and the Oregon Law Center, you will be covered by their professional liability insurance. And the stress? That is gone, too. You can take as many cases as you want or none at all. You can practice law at your own pace and on your own terms.

I love retirement. I find great pleasure in time spent with my

four grandchildren and three step-grandchildren. I enjoy traveling with my husband and going to lunch and dinner with friends. I find meaning in volunteer work for numerous nonprofit organizations.

Right up there among my late life rewards is the satisfaction I feel when I help a client of the Debtor-Creditor Section Legal Aid Bankruptcy Clinic obtain relief from the piles of debt they have accumulated; debt that they could never pay from their low wage jobs or retirement, disability or SSI benefits.

I have been fortunate. I am one of the lucky few who holds a ticket to help people with their legal problems. To be sure, I worked hard for that ticket - all the more reason for wanting to use it for as long as I can. I know that eventually age will take away some of life's pleasures. At some point I may not be able to drive a car and the day will come when I shouldn't practice law. But until that day, I will use my knowledge and skills and my "ticket" to help those less fortunate.

Please consider Active Pro Bono status when you retire. The need has never been greater. And thanks to the OSB, it has never been easier.

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# 10 Tips on Legal Representation for Pro Bono Clients

By Lori Alton, Oregon Law Center Pro Bono Manager.

As a pro bono volunteer, the challenges in representing clients may be considerably different than in your daily law practice. Pro bono projects want your experience to be a rewarding one. Here are some tips that we hope will help both you and your client have a productive and satisfying pro bono experience.

**1. Know what your role is.**

Before you accept a case, clarify with the sponsoring pro bono project so you know what the expectations of assistance are. The clearer you are on your role, the better prepared you are to assist your client.

**2. Clarify client expectations of representation.**

You determine your scope of assistance. Explain it clearly and be honest about what you might be able to accomplish. Setting expectations of assistance will go a long way towards preventing client misunderstandings as you provide assistance.

**3. Help clients understand that they also have responsibilities.**

They need to keep appointments, keep you updated about their contact information and keep you updated on information they have on the matter you are

accepting. They need to respect your requirements for helping them with their matter.

**4. Identify issues clients may have as soon as possible.**

Do they have a phone, use email, and know how to read? Do they have childcare, employment or transportation issues? Do they have a language or cultural issue? Find out early what is happening in your client's life and that will make working together easier for you both.

**5. Think about how to best communicate with your clients.**

Consider their legal sophistication when talking with them and writing to them. Consider what reading level is appropriate in a letter. Consider whether they will understand you better verbally or in writing.

**6. Respect your clients.**

Where appropriate make sure they have the opportunity to participate in their matter. Return their phone calls and answer their questions without condescension.

**7. Know how to refer clients.**

If a non-legal issue comes up, know how to provide a referral for social assistance.

If they ask you to do legal work that you did not agree to, know how to refer clients back to the sponsoring pro bono project if you are not going to assist them.

**8. Be patient with your clients.**

They may have many issues in their life that are making it hard for them to understand or participate in their matter consistently.

**9. Understand that some clients fear or don't understand our legal system.**

They may not understand the concept of confidentiality. They may not understand that you are there to help them. They may not understand the legal process or certain legal concepts. Help your client understand and have appropriate expectations of our legal system.

**10. Never hesitate to call your sponsoring pro bono project for help!**

It is common for a pro bono project to have mentors, educational materials, Web site information, referral information, client assistance strategies, etc., to help their volunteers. Although each pro bono project is different, all should be able to help you with questions you have.

# St. Andrew Legal Clinic Expands Services to Needy Oregonians



Community Development Law Center (CDLC), which provides legal services to nonprofit community-based organizations serving low-income people, has merged with St. Andrew Legal Clinic (SALC).

Founded in 1979, SALC provides low-cost family law services to 2,000 low-income Oregon families each year. For a family of three, living on less than \$18,310 a year qualifies for assistance. Client fees, which are charged on a sliding scale, pay for about half of SALC's costs. The remainder comes from local donations and foundation grants.

SALC's 14 full-time attorneys represent English and Spanish-speaking clients in Multnomah, Washington, Clackamas and Columbia counties, many of whom struggle with domestic violence, child custody disputes and issues regarding child support. More than 30 local law firms have assisted SALC by providing pro bono services to support the mission of the organization. Attorneys serve as board members, volunteer for night clinics, and participate in SALC fundraising events, such as the annual Race for Justice and Taste for Justice. For more information, visit [www.salcgroup.org](http://www.salcgroup.org).

## Resources for Pro Bono Attorneys

By Catherine Yarnes, Legal Aid Services of Oregon.

**Pro Bono Web sites**

[www.mbar.org/docs/ProBonoOppsMultCo.pdf](http://www.mbar.org/docs/ProBonoOppsMultCo.pdf)

The MBA links to numerous resources for attorneys who want to make a commitment to pro bono work and lists pro bono opportunities in Multnomah County.

[www.osbar.org/probono](http://www.osbar.org/probono)

The OSB Web site has information and resources on pro bono programs in Oregon.

[www.oregonadvocates.org](http://www.oregonadvocates.org)

This is a one-stop Web site with resources (such as video and written training materials) for Oregon lawyers serving the public good in Multnomah County and throughout Oregon. Membership is free and takes just a few minutes.

[www.abanet.org/legalservices/probono/volunteer.html](http://www.abanet.org/legalservices/probono/volunteer.html)

The ABA's Standing Committee on Pro Bono & Public Service and the Center for Pro Bono is a national source for information, resources and assistance in the delivery of pro bono services.

[www.probonoinst.org](http://www.probonoinst.org)

The Pro Bono Institute supports pro bono work by law firms and corporate legal departments seeking to enhance justice for the poor and disadvantaged.

[www.probono.net](http://www.probono.net)

Pro Bono Net provides national resources for pro bono attorneys working to assist low-income or disadvantaged clients.

**Continuing Education in Substantive Legal Areas**

Download free CLE written materials from [www.mbar.org](http://www.mbar.org) (Member Section).

Download free CLE materials or handbooks from [www.oregonadvocates.org](http://www.oregonadvocates.org). Sign up as a pro bono attorney and go to the Library Section for classes and materials.

Download self-help handbooks written by legal services staff that are available at [www.oregonlawhelp.org](http://www.oregonlawhelp.org). These handbooks are designed for laypersons with applicable statutes, remedies, forms and sample letters. This is a great primer for the basics in some common areas of law.

**Helping Clients Find Resources**

Dial 211 24 hours a day or go to [www.211info.org](http://www.211info.org) to get help from professional intake staff who refer clients to health and community organizations in the Oregon and SW Washington regions.

# Two Anniversaries One Challenge

## Legal Aid Funding Sources are Pinched at a Time of Great Need

By Cliff Collins.

Portions of the article reprinted with permission, OSB Bulletin, December 2010

"This year marks the 75<sup>th</sup> anniversary of legal aid in Oregon, and the nonprofit organization that helps fund legal aid is observing its 20<sup>th</sup> year. These significant milestones are tempered by a distressed economy, high unemployment and modern-record matching poverty rates."

...

"The rate of the poverty population, of people in the state in poverty, is higher," says Legal Aid Services of Oregon's executive director, Thomas J. Matsuda. "The number of people looking for legal services is higher."

"Nearly 800,000 low-income Oregonians now are eligible for legal aid services, and the need has increased under pressure from a weak economy," says Sandra Hansberger, executive director of the Lawyers' Campaign for Equal Justice, the nonprofit fundraising arm of legal aid in Oregon. Studies show that fewer than 20 percent of the legal needs of this population are being met each year.



"The applications for services and the kinds of cases legal aid offices are seeing have remained similar to before the recession, but there are more of them. In most years, around 40 percent of all cases legal aid handles are related to family law, almost all of which involve domestic violence. But the reported instances of domestic violence have been more frequent, and the severity greater, according to Matsuda.

"Also on the increase have been challenges to the denial of unemployment benefits, and higher rates of foreclosures, especially affecting tenants who live in properties where the owners are in foreclosure. The rate of bankruptcies also has risen, of course, to 'some of what we're doing is counseling about whether bankruptcy is the right way to go,' he adds."

# AROUND THE BAR

**ATER WYNNE**

**Ater Wynne** is the first recipient of the Sustainable Law Office Leadership Award by the OSB Sustainable Future Section. This award was developed to recognize innovative and meaningful strategies for integrating sustainability into the legal profession.



*Erik Swanson*

**BULLIVANT HOUSER BAILEY** Roots & Wings, a nonprofit organization created in 2004 by attorney **Erik Swanson**, creates educational opportunities to promote development, as defined by local communities. The organization describes its work as “rooted in recognizing the importance of culturally responsive education that empowers students to connect their cultural identity with sustainable social and economic development.”

Together with **TECO Guatemala**, a reliable energy generator company with two plants in Guatemala, a “Roots and Wings International Learning Center” was inaugurated. The project brings technology to the 11,000 people who live in the municipality of Nahualá.



*Kristin Bremer*



*Gwendolyn Griffith*

**TONKON TORP**

**Max Miller Jr.** has been honored by the OSB with one of two new awards for Sustainable Leadership. Miller earned the award in recognition of his

volunteer leadership in moving the legal profession to embrace sustainability as a goal.

Miller has a long record of developing and nurturing sustainability initiatives within his firm, in Portland’s business, legal and civic communities and on behalf of clients. He founded and co-chairs the firm’s sustainability practice group. He also chairs the environmental and natural resources practice group.

**Kristin Bremer and Gwendolyn Griffith** were elected to the firm’s partnership.

An experienced litigator, Bremer advises corporate managers and small business owners on matters of wage and hour law, the Fair Labor Standards Act, sexual harassment, discrimination and claims under the Americans with Disabilities Act and the Family Medical Leave Act.

Griffith is a member of the firm’s taxation and wealth planning practice groups. Her practice includes business formations, reorganizations and dissolutions, and crafting complex wealth transition structures and governance systems.



*Rick Baroway*

**FARLEIGH WADA WITT** **Rick Baroway** has joined the firm. He will maintain a diverse practice assisting businesses, financial service providers, real estate parties and nonprofit organizations with their real estate, business, finance and debtor-creditor needs.



*Sheila Fox Morrison*

**DAVIS WRIGHT TREMAINE** Northwest Business for Culture & the Arts (BCA) honored firm partner **Sheila Fox Morrison** with its Hero to the Arts Award.

Morrison was one of four local individuals honored with BCA’s hero award for their contributions to local arts and culture

organizations. As a board member with Portland Children’s Museum since 2007, she was honored for outstanding board leadership.

In addition to Morrison’s recognition, the firm was also recognized among the top Oregon business donors to the arts among medium companies (100-500 employees).



*Tim Nay*

**LAW OFFICES OF NAY & FRIEDENBERG** Attorney **Tim Nay** has recently been appointed to the State Plan for Alzheimer’s Disease Oregon Task Force. The mission of the task force is to develop a strategy to mobilize Oregon’s response to this public health crisis.

Nay is the founding president of the National Academy of Elder Law Attorneys and founding member and past chair of the Elder Law Section of the OSB.



*Marshal P. Spector*

**YATES, MATTHEWS & EATON** **Marshal P. Spector**, a family law attorney and of counsel to the firm, has joined the Donate Life Northwest Board. Marshal donated a kidney to a friend three years ago and hopes to assist Donate Life Northwest in its mission of saving and enhancing lives through the promotion of organ, eye and tissue donation. He has practiced family law in Oregon for 20 years, representing clients in divorce, custody, parenting time, support, modification and prenuptial matters.

**LANE POWELL**

Seventeen lawyers from **Roberts Kaplan** joined **Lane Powell**. The firms share similar cultures and commitment to client service, with each firm bringing highly specialized expertise to the table.

Roberts Kaplan’s lawyers’ experience and expertise expands Lane Powell’s existing practice and industry groups, especially in the areas of banking, securities, M&A, litigation and specialized real estate. Their combined experience in serving the legal needs of banks solidifies Lane Powell’s position as the leading provider in the Pacific Northwest for the financial services industry.

Lane Powell will expand into the Roberts Kaplan office in the ODS Tower, where Lane Powell currently occupies three floors.



*Lynn Nakamoto*

**MARKOWITZ HERBOLD ET AL** Governor Ted Kulongoski appointed **Lynn Nakamoto** to the Oregon Court of Appeals. Nakamoto fills the vacancy created when Judge Jack Landau was sworn in as a justice of the Oregon Supreme Court.

Nakamoto was the managing shareholder at Markowitz, Herbold et al, where she most recently specialized in employment and business related litigation. “Lynn Nakamoto is an outstanding lawyer with broad legal experience and an outstanding reputation in the legal community,” said Governor Kulongoski. “Her significant experience in civil litigation, at both the appellate and trial levels, and diverse substantive background that spans from poverty law to commercial litigation will make her a tremendous asset to the Court of Appeals.”

Nakamoto was a founding member of the Oregon Minority Lawyers Association and is a past board member of the Q Center, a GLBT community center in North Portland. She has been a long time advocate for equality, serving on the OSB’s Affirmative Action Committee and performing pro bono work for the Senior Law Project and the ACLU of Oregon, including preparing an amicus



*David Markowitz*

brief on the groundbreaking *Tanner v. OHSU* decision that helped secure equal benefits for same sex domestic partners and their families in Oregon.

Nakamoto will be the first Asian American from Oregon to serve as a judge on any state or federal appellate court within Oregon.

**David Markowitz**, a shareholder in the firm, was inducted into the International Academy of Trial Lawyers (IATL) at their mid-year meeting held in November.

The academy invites only lawyers who have attained the highest level of advocacy and allows no more than 500 US members. It honors those attorneys who have achieved a career of excellence through demonstrated skill and ability in jury trials, trials before the court and appellate practice.

IATL members are engaged in civil practice on both the plaintiff’s and the defendant’s side of the courtroom, and the trial of criminal cases. A comprehensive screening process identifies the most distinguished members of the trial bar by means of both peer and judicial review. Markowitz has been evaluated by his colleagues and the judges in his jurisdiction and has been highly recommended by them as possessing these qualifications and characteristics.

*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 Thanks MBF Donors

*Thanks to the following MBA members, who donated more than the \$25 suggested amount for the 2011 MBA Membership Drive.*

Leonard Bergstein  
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Wesley Kirtley

James McVittie  
Gail Meyer  
Sheila Potter  
John Powers  
Charles Reynolds  
Ronald Rhodes  
Richard Sly  
Todd Worthley

# Tips for Handling Pro Bono Family Abuse Prevention Act Cases

By Judge Youlee You, Multnomah County Circuit Court.

One of the best ways for young lawyers to gain pro bono experience is to represent petitioners in contested Family Abuse Prevention Act (FAPA) hearings. Although these evidentiary hearings are conducted before judges and not juries, attorneys have the opportunity to prepare and present evidence, question witnesses, make objections and argue on their feet. Attorneys get good trial experience and good pro bono experience at the same time. Who could ask for more?

Although this is not an exhaustive list, here are a few tips from judges who routinely hear FAPA hearings:

- 1) Outline the elements of the FAPA statute (ORS 107.710). Have a witness or exhibit to prove each element. Very often, this will be just the petitioner.
- 2) Prepare succinct opening and closing statements.
- 3) Familiarize yourself with the rules of evidence, which apply to these hearings. This is a good opportunity to exercise your knowledge of when the evidence code applies and learn when objecting is not necessary.
- 4) Pictures of injuries and relevant recorded phone messages can be helpful. If the pictures are from a cell phone, have copies printed so that you have a useful exhibit and a better record for appeal.
- 5) Don't panic when the evidence is different from what your client told you. Maintain focus and reassess your case as the evidence unfolds.
- 6) If you show up for the hearing and the respondent has witnesses or discovery that you were not aware of and you need more time to refute it, ask for additional time.
- 7) Do not get caught up in all of the parties' issues, as many of them are not related to FAPA, for example, parenting practices (as opposed to parenting time), financial issues, property issues, etc.
- 8) Cases that will take longer than 45 minutes must be put on the domestic relations trial



- assignment docket (domestic relations call). The ordinary FAPA docket has up to six hearings every Monday and Thursday at 9 a.m. and 2:30 p.m., and therefore cannot accommodate cases that are longer than 45 minutes.
- 9) Be creative regarding parenting time. Is there a relative, friend or other safe and neutral third party that can help the parties reach a parenting time solution that works all involved and keeps your client safe?
- 10) Speaking of safety, make sure that you exercise appropriate safety precautions inside and outside of the courtroom. If you have concerns about your client's safety, ask the court to have the respondent remain in the courtroom for 15 minutes so that your client can leave the building without running into the respondent in the elevator or on the street outside the courthouse.
- 11) Does your client need an interpreter? Make sure to contact Interpreter Services well in advance of the hearing date. Interpreters have busy schedules and are not always available. Additionally, some interpreters need to be flown in from other states, depending on the language.

If you are interested in volunteering, contact Catherine Yarnes at Legal Aid Services of Oregon, 503.224.4086, [probono@lasoregon.org](mailto:probono@lasoregon.org).

Many thanks to all of the attorneys who have generously committed their time and energy to these cases. Also, special thanks to the Multnomah County family court judges for their suggestions and tips for this article.



By Elizabeth Knight, Dunn Carney et al and Court Liaison Committee member.

## Presiding Judge's Report and Courthouse Update

Judge Maurer reported that Multnomah County commissioners are still interested in evaluating whether or not renovation of the Multnomah County Courthouse, with most court functions remaining in the courthouse during the remodeling, is a possibility. SERA Architects recently presented information on that option at a meeting attended by Judge Maurer and others. At this point it is too early to say whether renovation will be the most viable option, but it is being explored as a possibility.

The reductions in referees and other staff required due to the decline in state revenue continues to affect the court. To this end, the court is looking for ways to improve efficiency in its operations, and Judge Maurer welcomes input from the bar. She wants to know how the court could do things differently so that the needs of clients and the needs of the court are met.

A lawyer recently suggested eliminating multiple trial call settings. The committee discussed this idea but the general consensus was that trial calls are beneficial to lawyers and their clients, as deadlines help keep cases on track. The committee also discussed the ADR requirement; some lawyers on the committee liked the requirement and some did not.

Eric Dahlin suggested the court institute a requirement that lawyers must confer regarding jury instructions and verdict forms in advance of trial. The committee liked the idea. The committee also discussed federal court process and explored whether or not some of that process could be used on the state side to improve efficiency.

The expedited civil jury trial system is in place and the court is eager for lawyers to start using it. The brown bag last month was a success; it was well-attended and the attendees seemed interested in the new expedited jury trial system. (To learn more about the system, visit [www.mbar.org/courts.htm](http://www.mbar.org/courts.htm)).

Chief Justice De Muniz recently signed an order establishing Oregon complex litigation courts, which will be administered by a managing panel of judges. Cases will be assigned to a particular judge, who will travel to the jurisdiction where the case is filed. The assigned judge will manage the case. This program will likely provide a good resource to counties without sufficient docket time or expertise.

## MBA Deposition Guidelines

The committee had been asked to gather input on whether or not the 1992 MBA Deposition Guidelines need changes. The consensus was that they are sufficient and should not be changed, but they should be reviewed and re-adopted so that they have a more recent date. Eric Dahlin received little input from OTLA and OADC on the guidelines.

## Court Resources Subcommittee Report

The MBA has pledged \$10,000 towards the new A/V cart which the court will use for video conferencing.

## MBA Web site

John Rothermich is reviewing the MBA Web site. He welcomes suggestions from committee members, particularly if they cannot find something easily on the Web site. A vendor will evaluate the site and will provide feedback. If anyone is interested in helping strengthen the MBA Web site, please contact Judy Edwards at [judy@mbabar.org](mailto:judy@mbabar.org). If any firms have a designated

web employee who could offer consulting (gratis), that would be greatly appreciated.

## Fall Brown Bag

The committee's fall brown bag on the court's new expedited jury trial system went well. Approximately 50 lawyers attended, and there was excellent participation from both lawyers and judges.

## Court Liaison Members as Ambassadors for the Court

Eric Dahlin asked all committee members to be ambassadors for the court. If a committee member hears a complaint from a member of the bar, the member is encouraged to discuss the complaint with the person and determine whether the problem is real or whether it is a problem of perception (e.g., there is a rumor that cases do not get out to trial in Multnomah County; however, that is a misperception we should try to correct). Complaints should also be conveyed to the committee.

Committee ambassadors could participate in MBA firm visits to answer questions about the state courts. Eric Dahlin, Mark Peterson and Andrea Anderly volunteered to participate in firm visits.

## Judicial Feedback

A related subject was that in 2002 or 2003, the MBA created a judicial feedback process which lawyers could use to anonymously provide feedback to judges. The committee discussed revisiting the process to decide whether or not to recommend its reestablishment. Judge Maurer commented that it is important to know whether complaints about judges relate to temperament or subject matter expertise. Judge Maurer is also interested to know whether lawyers want a judge with particular subject matter expertise assigned in particular cases.

# Encapsulating a Firm Culture of Pro Bono

By Cathy Petrecca, OSB.

When an associate at Farleigh Wada Witt is evaluated for becoming a shareholder in the firm, one of the factors on which she'll be evaluated is her pro bono work and public service. Each associate's annual professional development plan typically includes a discussion of the attorney's pro bono work and community service.

Mark Wada, president of the firm, says that his firm wants its members to be aware of their commitment to public service all year long. Consequently, the firm includes pro bono work in its planning.

The firm has taken the MBA Pro Bono Pledge since its inception and encourages its individual

members to do so also. Last year all members of the firm engaged in some type of public service.

At Harrang Long Gary Rudnick PC, the firm's internal policies directly incorporate the OSB Pro Bono Aspirational Standard. The policy specifically allows attorneys to include up to 40 hours of direct pro bono representation to satisfy the attorney's production goals every year. Attorneys there are expected to include their pro bono or other public service goals as part of their professionalism plan. Whether or not an associate has fulfilled his plan is part of the end-of-year evaluation process.

Farleigh Wada Witt and Harrang Long Gary Rudnick are two



Bob Steringer

of many Multnomah County law firms that incorporate pro bono work into their everyday work life. How do they make that happen? Firm policies, the MBA Pro Bono Pledge and an understanding that part of professionalism is giving back.

Harrang Long's Vice President Bob Steringer believes there are simple ways to encourage pro bono work in a firm, without adding a huge administrative process. Simply consider pro bono work the equivalent of income-producing work when it comes to staffing and be sure to encourage, recognize and reward those attorneys who meet their professional obligation by providing public service.



Farleigh Wada Witt attorneys

## Tools to Help Your Firm Incorporate Pro Bono into its Practice

Commit to the **MBA Pro Bono Pledge**, "Take a Matter that Matters" at [www.mbar.org/probono.htm](http://www.mbar.org/probono.htm)

Add a pro bono policy to your firm's policies by using the **OSB Pro Bono Model Policy Tool Kit** at [www.osbar.org/probono/policy/intro.html](http://www.osbar.org/probono/policy/intro.html)

Find pro bono opportunities at both the **MBA and OSB Web sites:**

- [www.mbar.org/docs/ProBonoOppsMultCo.pdf](http://www.mbar.org/docs/ProBonoOppsMultCo.pdf)
- [www.osbar.org/probono/VolunteerOpportunities.html](http://www.osbar.org/probono/VolunteerOpportunities.html)

Associates at Harrang Long are eager to engage in pro bono work for both altruistic and more selfish reasons: court time. His firm is known for its appellate practice and newer lawyers there have handled administrative appeals on a pro bono basis, giving them the opportunity to appear in court.

Mark Wada also finds that pro bono service has an added bonus. Those attorneys who are active in public service simply have a

higher profile than those who aren't. When he is deciding on a referral for a client, he considers the firm's attitudes and actions related to access to justice, whether it is through visible pro bono work or donations to the Campaign for Equal Justice.

Attorneys who volunteer for pro bono service gain more experience, enhance the status of lawyers, and provide a meaningful service to all citizens in our community.

## Finding a Great 'Pro Bono Match'

*How to Pick a Pro Bono Opportunity that Will Minimize Your Stress and Maximize the Benefit to You, to the Program and the Client*

By Sharon M. Brown, Statewide Pro Bono Program Manager, Oregon Law Center.

How do you pick a pro bono opportunity? Many people report that they get involved in a program that their firm or friends participate in, or one that their OSB section is involved in, or simply one that asks them to become involved. The great majority of these opportunities turn out wonderfully. However, increases in the number and variety of pro bono programs in Oregon can allow you to fine-tune a pro bono opportunity using more factors than ever before. I work to help develop pro bono solutions in my position as the statewide pro bono program manager for the Oregon Law Center, and I work closely with other pro bono programs and committees.

Your first step is to think about what you want from a pro bono experience. Then, you should think about what questions to ask when choosing that experience.

Here are some suggestions on finding your "perfect match."

♦ **"I want to work in something close to my current practice"** - if this fits you, try to match your area

of law to the types of cases handled by pro bono programs. Some examples include:

- Bankruptcy clinics - lawyers practicing bankruptcy law, debtor-creditor law and transactional law can find a good fit
- Pro Bono Oregon listserv - a wide variety of legal issues come each week on this listserv
- Lewis & Clark Small Business Legal Clinic
- MBA YLS Nonprofit Project
- Pro Se Assistance Project - lawyers practicing family law

♦ **"I want to get litigation experience"** - if this fits you, there are two areas of great need that are sure to get you litigation experience quickly, with a narrow range of legal issues and multiple training materials offered:

- Domestic Violence Project (restraining order and stalking order hearings in the tri-county area)
- Unemployment Insurance hearings - many are placed through the Pro Bono Oregon listserv

♦ **"I want to help a particular type of client"** - if this fits you:

- Oregon Crime Victims Law Center, National Crime Victims Law Institute
- Immigration Counseling Services, Catholic Charities Immigration Legal Services
- OSB Military Assistance Panel
- ♦ **"I want to give advice but not take a 'case'"** - if this fits you:
- OSB Lawyer to Lawyer Program
- Mentorship opportunities through Pro Bono Oregon
- St. Andrew Legal Clinic evening intake

The MBA Web site ([www.mbar.org/docs/ProBonoOppsMultCo.pdf](http://www.mbar.org/docs/ProBonoOppsMultCo.pdf)) provides listings of pro bono opportunities and you can take the Pro Bono Pledge at the same time. Oregon pro bono providers offer a significant range of opportunities for that "perfect match." The Oregon Advocates Web site ([www.oregonadvocates.org](http://www.oregonadvocates.org)) provides a list of opportunities by area as well as a central location for access to free downloadable video and

Continued on page 11

## WinterSmash Benefits Multnomah CourtCare

By MBA Membership Committee members.

The Ninth Annual WinterSmash is slated for Saturday, March 5 from 6-9 p.m. at AMF 20<sup>th</sup> Century Lanes (3550 SE 92<sup>nd</sup> Ave. in Portland).

Lanes will be available exclusively 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.

CourtCare, a project of the MBA, is operated by the Volunteers of America-Oregon (VOA). Tax deductible donations may be made to the Multnomah Bar Foundation. 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, which opened in 2001, serves up to 100 children a month in a safe and nurturing place to play while parents or guardians tend to court business.

The program seeks to improve the operation of the courthouse by protecting children from potentially disagreeable court settings.

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 \$38 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 and lowest individual scores, 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*.



# New and Willing to Help: Amanda Guile Makes Big Pro Bono Impact

By Lee Ann Donaldson, YLS Pro Bono Committee Member.

She's been an attorney licensed for only a year and yet Amanda Guile has already volunteered to represent 10 clients through the Domestic Violence Project (DVP).

The DVP is one of six projects coordinated by the Volunteer Lawyers Project of Legal Aid Services of Oregon. Volunteers with the DVP represent victims of abuse in contested restraining order and stalking order hearings.

Maya Crawford, the supervising attorney of the Volunteer Lawyers Project called Amanda "an exceptional volunteer." Crawford said "Although Amanda is a relatively new volunteer, she has quickly become a knowledgeable and dependable advocate for our clients. We appreciate her enthusiasm and adaptability."

Amanda signs up for two or three days a month to serve as legal counsel in contested restraining order hearings. If the DVP receives requests for representation from clients on those days, then Amanda will be connected with the client and represent them at the hearing. This coordination usually happens about a week in advance.

Amanda's interest in the law began during high school at McNary High in Keizer, where she worked at the Marion County Drug Court. While obtaining her political science and history degrees at Willamette University, Amanda became a family law facilitator for Marion County Circuit Court. Amanda continued to serve women and families while obtaining her law degree at the University of



Amanda Guile

Denver. She has always viewed herself as an advocate for women's rights and wants to increase awareness of domestic violence through her service. Amanda is a business litigation associate at Bateman Seidel et al.

## Mutual Aid

By Matthew Sorensen, Garrison Law Group.



case in-house, we had a roster of attorneys signed up who were willing to take the case pro bono. We were able to place numerous taxpayers with outside referrals, and they received free legal assistance in cases where they otherwise might have foregone representation altogether.

Where LASO struggles on occasion, however, is being able to make a placement. The referral attorneys have regular case loads, are busy, or sometimes the matter simply is outside the areas of expertise. We would have benefited from more attorneys agreeing to accept referrals. This, of course, is not limited to the tax clinic, as LASO takes on cases that get into any number of practice areas. Oregon would be better off if more attorneys would take on at least one pro bono matter each year and expand access to justice in Oregon.

Finally, one other impact of the poor economy is the low rate of employment for newer attorneys. Working as a volunteer with LASO and St. Andrews, in particular, is an excellent way to gain experience and prevent the skills you spent three years and many thousands of dollars obtaining from going stale.

LASO and St. Andrew will also provide volunteers with PLF coverage, an expense that many job seekers cannot afford. From personal experience, I urge any new attorneys facing a tight job market to consider taking on pro bono matters while they are conducting their job search. You will have experience to put on your resume, and, more importantly, will help deserving Oregonians.

It is no secret that the economy in Oregon is poor. Even with trickles of good news coming in from most of the country, the "good" news in Oregon is that we have finally hit bottom. What the slow economy has meant for this state is that many Oregonians are facing legal difficulties without the means to pay for it. Having spent a year volunteering for Legal Aid Services of Oregon's (LASO) Multnomah County office in the Low Income Taxpayer Clinic, I have seen this firsthand.

In the tax clinic, we work to resolve debt issues through settlement offers and installment agreements, assist with audits and help with other tax issues. The staff attorneys and volunteers work very hard to accommodate those who qualified for LASO's services. However, in the year I spent as a volunteer, I encountered numerous potential clients LASO was unable to help because of lack of resources. This is where LASO depends on the assistance of outside attorneys who are willing to take on pro bono cases. If LASO did not have the resources to accept a

## YLS Community Service Day at the Blanchet House

On December 3, the YLS Service to Public Committee organized volunteers to serve meals to Portland's homeless and less fortunate citizens at the Blanchet House of Hospitality in NW Portland. Blanchet House's mission is "To feed, clothe, and offer shelter and aid to those in need," services that they have provided since 1952. Because the need this season is now greater than ever, the YLS was eager to help.

Volunteers served meals to guests throughout the evening and then were invited to stay and enjoy an excellent dinner with the staff. Besides providing a valuable service to those most in need in the Portland area, volunteering with Blanchet is a positive and rewarding experience for volunteers. Much thanks to Jodie Ayura, Nik Chourey, Gina Delahunt, Cashauna Hill, Jeanne Sinnott, Alex Sutton and Kyoko Wyse for participating.

If you were unable to join us this time, future opportunities to volunteer are always available and encouraged. To find out how you can help, please contact Blanchet House at 503.241.4340. [www.blanchethouse.org](http://www.blanchethouse.org).

## Community Service Day All Volunteers Welcome!

Help us fight hunger and join the YLS Service to the Public Committee at the Oregon Food Bank on Thursday, January 27 from 6-8:30 p.m. We will work to organize and repackage donations for distribution of emergency food boxes throughout Oregon. Friends, family and children over the age of 12 are welcome to join us.

To sign up and for more information, email Kyoko Wyse at [kkw@wysekadish.com](mailto:kkw@wysekadish.com). You do not need to be a member of YLS.

Be on the lookout for future events with organizations like the Oregon Humane Society, Children's Relief Nursery and more!

## Imprint Program Looking for Volunteers

The highly popular Imprint Program is back for another year and is soliciting volunteers. The program provides volunteers with a "pen pal" at Parkrose High School with whom you will exchange a handful of letters throughout the spring, revolving around a book they are reading in English class. The program culminates with a year-end pizza party where students and volunteers meet in person. Imprint is a great way to get involved with local students and is regularly one of the YLS Service to the Public Committee's most popular programs. So sign up today! To volunteer, go to [www.mbar.org/community-law-week/index.php](http://www.mbar.org/community-law-week/index.php), or contact Raife Neuman, [raife.neuman@gmail.com](mailto:raife.neuman@gmail.com), for more information.

## Welcome, New Admittees!

On November 18, the YLS Membership Committee hosted the annual YLS New Admittee Social at Kells Irish Restaurant & Pub. This event gave new admittees to the OSB and young attorneys an opportunity to mingle in an informal setting.

As part of the evening program, the YLS committee chairs gave brief introductions of their respective committees, presenting new admittees with a fun way to get involved in the legal community.

The YLS would like to acknowledge the support of LexisNexis, which sponsored the event.

Thank you to all who participated. We look forward to seeing you at the next social!



Megan Tower of LexisNexis with new admittee Michelle Sugahiro

## YLS Drop-in Social and Trivia Night

Join us at the next YLS Drop-in Social on Thursday, January 13 at 5:30 p.m. at 21<sup>st</sup> Avenue Bar and Grill, located at 721 NW 21<sup>st</sup> Ave. Come for happy hour and then stay for Trivia starting at 7 p.m. The social is free to attend; the cost to participate in the trivia is \$3 (payable to trivia host Pub Quiz the night of the event).

## ZRBG: Pro Bono Work to Assist Holocaust Survivors

By Meghan Moran, Davis Wright Tremaine.



A number of Portland attorneys have signed up to assist with a worldwide pro bono effort to assist Holocaust survivors in getting a pension from the German government for work the survivors did while in German ghettos during World War II. The pro bono effort is spearheaded by the Holocaust Survivors Justice Network, which was created to assist Holocaust survivors in many legal areas. While there are several ongoing remuneration efforts (some stretching back 50 years or more), this particular effort is called the ZRBG Pension Project. ZRBG is short for Zahlbarmachung von Renten aus Beschäftigungen - a law passed in Germany in 2002.

The intent behind the law is that while many people worked in ghettos in Germany or in countries under German rule, they were not paid cash for performing this work, and were not given credit towards their social security pension for performing the work for the German government. A 1997 court ruling found that each of these ghetto workers was entitled to receive a pension from the German government if certain criteria were met. If eligible for ZRBG payments, the survivor receives a monthly

pension payment in an amount dependent on several factors including the amount of time the survivor worked in the ghetto. On death, the survivor's widow/widower is also eligible to receive the pension.

In order to be eligible, a survivor must have performed voluntary, remunerated work while living in a ghetto that was in Germany or under German occupation. Although none of the work performed was likely truly "voluntary," it must be shown that it was not done under the direct threat of death or physical injury. Often this work was done at the request of the ghetto's Jewish council that helped organize life in the ghetto, or perhaps in exchange for food or some money.

"Remuneration" simply means that it must be shown that the survivor received something for doing the work - food, safety, shelter, clothing, etc. - in exchange for the work performed. Time spent in concentration camps, slave labor camps, in displaced person camps or in hiding would also count toward the pension timeframe (again, if certain requirements are met) since the survivor could otherwise have been performing work that would have made them eligible for a pension.

For the first years of the ZRBG, most applicants were denied a pension because of a very strict interpretation of both "voluntary" and "remuneration." Many survivors whose applications were rejected filed administrative appeals, but they were still rejected by the court. It wasn't until 2009 that the

German Federal Social Court loosened the interpretation of the requirements and survivors resubmitted their applications (or submitted them for the first time). Now, Germany is responding more quickly than ever before and many survivors and their widows/widowers are finally receiving the pension.

The pro bono legal work requires researching the ghetto where the survivor client worked and where the client was both before and after the ghetto for a number of years. This often requires researching concentration camps to see when the camps were closed or liberated to help the client piece together a timeline.

After performing this initial research, the attorney meets with the client in a face-to-face interview to determine the exact whereabouts of the survivor to the best of his or her memory. Ideally, there will be some documentation to support the dates, but much of this has, unfortunately, been lost. The information gleaned from the research and interview is used to fill out various forms required by Germany.

Anyone interested in assisting with the ZRBG project should contact Julie Orr, Pro Bono Coordinator at Davis Wright Tremaine (julieorr@dwt.com). If you know a Holocaust survivor who may be eligible for a ZRBG pension or other reparations, please contact Jill Neuwalt, Holocaust Survivor Outreach Specialist at Jewish Family and Child Services (jill@jfcc-portland.org).

## PRO BONO VOLUNTEERS

Thanks to those who donated their pro bono services in November 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. Check out the Pro Bono Opportunities in Oregon handbook at [www.mbabar.org/docs/ProBonoGuide.pdf](http://www.mbabar.org/docs/ProBonoGuide.pdf) if you want to volunteer.

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## Pro Bono Match

Continued from page 9

written CLE materials, and can provide mentors for questions. The OSB Web site ([www.osbar.org/probono/alphabetical.html](http://www.osbar.org/probono/alphabetical.html)) and ABA Web site ([www.probono.net/aba\\_oppsguide/](http://www.probono.net/aba_oppsguide/)) also include links to opportunities.

The Pro Bono Oregon listserv provides a weekly list of important pro bono cases needing assistance in a wide variety of topics. The Thursday emails list the cases that legal aid offices are not able to handle with existing resources. The area of law, legal subject matter, level of assistance requested, a short description of the case and contact person for further information are included. Subscribing to the listserv through the Oregon Advocates Web site allows you to pick the pro bono case you want, when you want it.

Sharon may be contacted by email at [Sbrown@OregonLawCenter.org](mailto:Sbrown@OregonLawCenter.org).

## YLS Gathers Toys for Tots

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 Reserve Toys for Tots Program. The program has helped 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.

A special thanks to Barran Liebman for sponsoring the collection boxes this year, and to the following toy collectors and their firms:

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See insert and page 9 for details.





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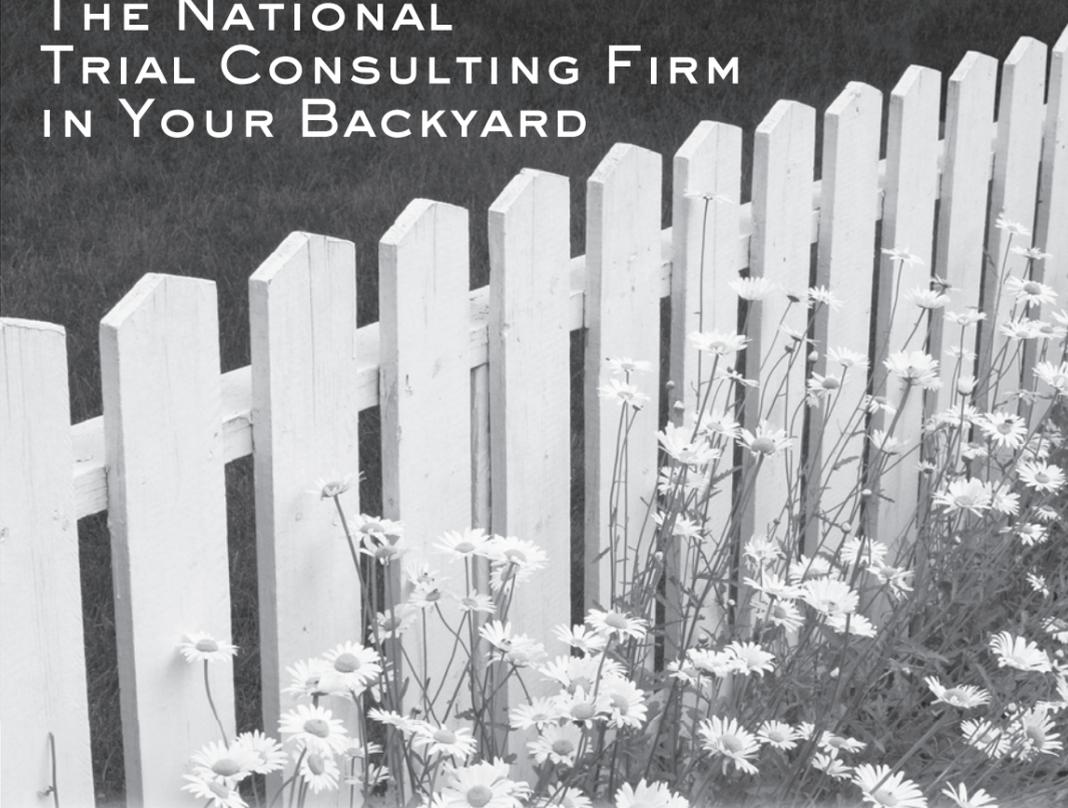
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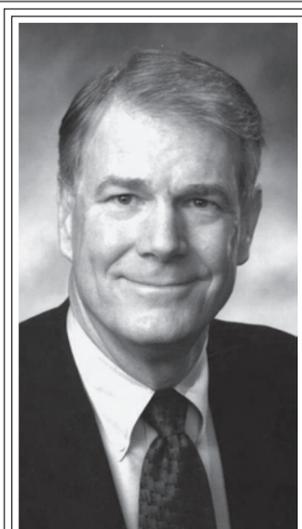
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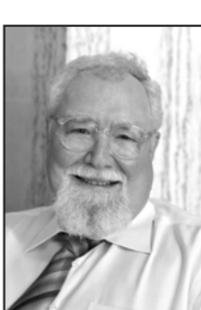
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# MBF Fundraising Campaign Kicks Off Second Phase

By Christine Hein, MBF Board member and Bateman Seidel et al.



M U L T N O M A H B A R  
F O U N D A T I O N

On November 16, the MBF hosted a reception for young lawyers to help kick off Phase II of the MBA 100th Anniversary Community Gift Fundraising Campaign, which is aimed at raising donations from individual lawyers and firms. The gathering, held at the Portland office of Bateman Seidel, provided an opportunity for attendees to learn more about the MBF's important mission and accomplishments.

The foundation was created in 2005 to increase the public's understanding of the legal system; to promote civic education, public participation and respect for the law; to improve the quality and administration of the legal system; and to support programs and projects related to the MBF's purpose.

To date, the MBF has raised \$75,000 towards its \$100,000 goal, primarily through the generosity of law firms and a few major donors. The funds raised through the 2010 Campaign will enable the MBF to continue its tradition of making grants

to organizations working to improve civics education, such as Classroom Law Project, the Bus Project, Elders in Action and the League of Women Voters. Since 2006, the MBF has awarded over \$140,000 in such grants. In addition, the MBF recently partnered with MetroEast Community Media in a new signature project. The goal of the signature project is to develop a series of five and 15-minute civic education videos that will be broadcast on public access stations throughout the state and also featured on Web sites such as YouTube and used by teachers in their classrooms.

Do you know who the two Oregon US senators are? Only about 25% of high school students in our state can answer that basic civics question. We at the MBF think that is unacceptable. Do you agree? Please help the MBF reach its fundraising goal by making a tax deductible donation today. **Every penny counts in this campaign.** We need to come together as a profession to remedy the serious lack of knowledge about our government and judicial system.



MBF Board members Cashauna Hill & Christine Hein

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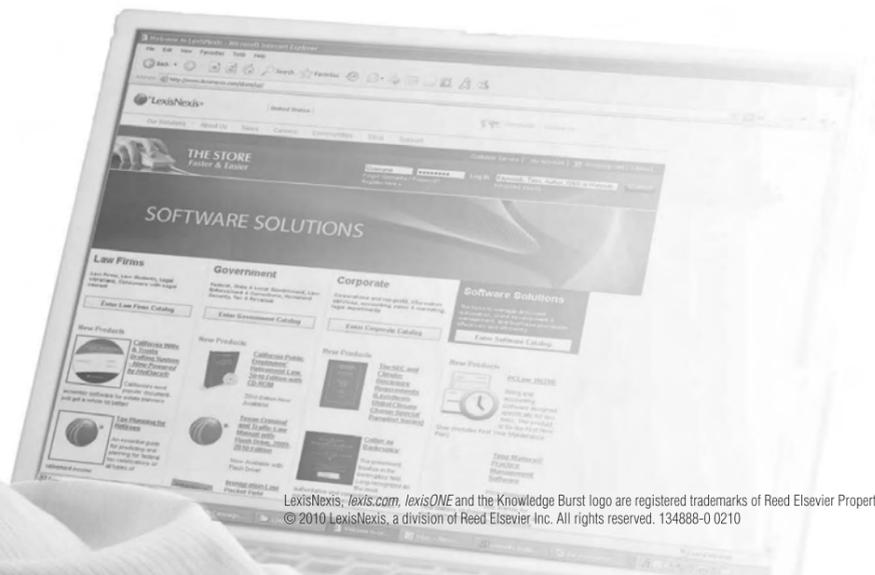
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