



MULTNOMAH LAWYER

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

January 2013
Volume 59, Number 1



Could Brazil Be Our Future?

by Greg Moawad
MBA President

Before you get too excited, I am not talking about the wonderful food, music, culture or the magical caipirinha - a legendary concoction made with sugar cane rum. If those things were in store for us, I wouldn't be complaining. (I am fresh off a business school trip to Brazil, so I feel I am in a position to comment on the caipirinha - at least the ones I remember.)

What I fear is in store instead is Brazil's difficult economic climate that discourages investment in new businesses - and isn't as conducive

So how does a country with the economic production of Brazil suffer from an economy with minimal economic freedom?

to allowing established businesses to conduct trade as it should be. The Heritage Foundation's 2012 *Index of Economic Freedom* is a study comparing the relative friendliness to business of various countries' economies. It measures factors such as country's abilities to rely on the rule of law, its regulatory efficiency, how limited or bloated the government is and whether or not the country has open markets in which to conduct trade. Brazil's economy ranks as the #99 economy in the world on this scale - behind countries like Serbia (#98), Azerbaijan (#91), Mongolia (#81), Costa Rica (#44), Botswana (#33) and Estonia (#16). The United States finished in the #10 slot. (For trivia buffs: North Korea finished last, in the #179 slot, just behind Zimbabwe.)

This is despite, Brazil having a gross domestic product (GDP) north of \$2.4 trillion US dollars in 2011 as reported by the World Bank. That figure is large enough to make it the 5th largest GDP in the world, ahead of countries like the United Kingdom, France and Italy.

So how does a country with the economic production of Brazil suffer from an economy with minimal economic freedom? In a phrase: a poorly run judicial system where delay is the norm. Just so you don't think I am overstating the delay in the courts, consider these two examples: 1) according to William Prillaman's article, *The Judiciary and Democratic Decay in Latin America*, as of 2000, there were still civil cases pending in the Brazilian justice system that were filed in the 1940s, and 2) Ronaldo Cuna Lima, a state governor, shot a political opponent in 1993 - in a crowded restaurant with dozens of witnesses - but upon his death in 2012, his criminal case had not yet been resolved in the courts. Yes, those are extreme examples, but the average civil case in Brazil still takes five years to complete. And we aren't talking about complex class actions here.

...the impacts of court delays on the economic development of Brazil should serve as a warning to Oregon....

While there are a host of reasons for the Brazilian court's delays in resolving matters before it, the impacts of court delays on the economic development of Brazil should serve as a warning to Oregon lawyers, legislators and citizens. Due to court delays, Brazilian society

has realized that they are effectively without an ability to enforce most contracts. Further, there is almost no respect for property rights (real and intellectual) since no one can get enforcement from the courts.

So who cares? What impact does that have on the economy? I am glad you asked: it essentially kills the average small business - those without a sufficient track record or the personal relationships required to acquire funding. Organizing and funding new businesses is essentially impossible in Brazil because contracts even as simple as loans are difficult, expensive and slow to enforce in the courts should there be a dispute between parties requiring the assistance of the court to resolve. As evidence of the difficulty in seeking funding, it takes the average business owner in Brazil (someone without support from an established business) 119 days to start a business, as opposed to the world average of 30 days. Assuming you can get financing for your small business (at the current 140% interest rate), your chances of getting a business

"[T]he courts are the greatest bottleneck to accountability in Brazil."

dispute settled appropriately and timely via the courts is also almost nil - unless you are willing to pay the price in time, money or political chit. As put by Matthew Taylor, a professor specializing in Brazil's legal system, to a *New York Times* author earlier this year: "[T]he courts are the greatest bottleneck to accountability in Brazil." That's an incredibly powerful disincentive to begin a business.

So what does this have to do with Oregon's court system? As our readers here know, we are beyond the point where we are cutting "fat" from our judicial system. With every legislative decision to leverage court funding to fund another project (no matter how valid that project may be) we come a step closer to becoming a society with a judicial system that is ill-equipped to do what it is designed to do - assist those in need - due to a lack of resources. When that occurs, our economy could become as stunting to new businesses as Brazil's is today. Unless you "know someone," you won't be able to open your business's doors. And even if you got over the first hurdle, good luck getting assistance from the courts should you have a conflict with a customer, supplier or landlord. Oregon will become as inhospitable to new business as Brazil currently is.

In Brazil, robbers sometimes slip a drug into the drink of an unknowing mark. That drugged drink, referred to as Boa Noite (translated, loosely, on the street as "Goodnight, Cinderella"), causes the mark to pass out so that the thieves can empty the mark's pockets of valuables. If that happens in Oregon with respect to our business climate, you can't say we didn't see it coming.

mba|CLE

To register for a CLE, please see pages 3 and 4 or go to www.mbabar.org.

JANUARY

1.24 Thursday An Anatomical Look at Custody Evaluations

David Hobson
Robert Loveland, Ph.D

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Hon. Nan Waller

1.30 Wednesday Controlling the Cost of Litigation

Bill Barton
John Hart
David Markowitz

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Sam Kauffman
Michelle Holman Kerin

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J.R. Ujifusa

2.27 Wednesday Estate Planning During Uncertain Times

June Wyrick Flores
Ted Simpson

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MBA 11th Annual WinterSmash

A Family Friendly Bowling Event



Saturday, February 23
6-9 p.m.

20th Century Lanes
3350 SE 92nd

10 minutes from downtown Portland
A Multnomah CourtCare fundraiser

See page 5 for details.

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DEADLINE for copy: The 10th of the month*

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*or the preceding Friday, if on a weekend.

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Taking Matters that Matter The MBA Pro Bono Pledge

by Maya Crawford
Legal Aid Services of Oregon

Thousands of low-income Oregon residents face serious legal problems. Families are losing their homes to foreclosure. Women and children are threatened by abusive relationships. People with disabilities are being unfairly denied benefits. Oregon's poverty population has grown dramatically during the recession.

Sadly, there is no correlation between the severity of a legal problem and a person's ability to pay for an attorney. In Oregon we are meeting less than 18% of the civil legal needs of the poor. Attorneys and law firms who have taken the MBA Pro Bono Pledge help fill this ever-increasing justice gap.

The Pro Bono Pledge effort started in 2008 and it calls on attorneys to commit to at least one pro bono matter per year. In addition, law firms are asked to adopt a written pro bono policy and to encourage participation in the individual pledge. Both firms and attorneys are asked to financially support legal service organizations. During 2012, 61 law firms and 172 individual attorneys in Multnomah County rose to the challenge and signed the pledge.

A number of law firms that took the Pro Bono Pledge in 2012 participated in the OSB Debtor Creditor Section Legal Aid Bankruptcy Clinic. Attorneys from Brindle McCaslin & Lee; Ball Janik; Clarke Balcom Law; Farleigh Wada Witt; Greene & Markley; Harrang Long Gary Rudnick; Law Office of Jonah Paisner; Law Office of Gary Underwood Scharff; Parker Butte & Lane;

Perkins Coie; PSU Student Legal Services and Todd Trierweiler & Associates all lent a hand to help low-income people file Chapter 7 Bankruptcies through the clinic. Collectively they contributed hundreds of pro bono hours.

Elder-law attorney Karen Knauerhase of Knauerhase Law Office also took the pledge. Karen has volunteered every month for the Senior Law Project (SLP) for more than 10 years. She gives a free half-hour of legal advice to approximately six Multnomah County seniors at each clinic, as well as doing ongoing pro bono work. Her work has included doing free wills for several low-income seniors, which she finds very rewarding.

Carson Bowler of Schwabe Williamson & Wyatt PC also took the individual pledge and his law firm took the firm pledge. Carson has volunteered with the Domestic Violence Project (DVP) since 2001. He has represented over 25 victims of domestic violence in contested restraining order hearings.

Pro bono attorneys make a huge impact on the lives of their clients. By taking the Pro Bono Pledge, and giving their time and money, Multnomah County lawyers are making a significant contribution to our community. To sign the 2013 Pro Bono Pledge please visit www.mbabar.org/AboutUs/ProBono.html. You can also find other pro bono resources such as pro bono opportunities and an interactive tool to create a firm pro bono policy on the website. Together, we can make a difference.

Bench, Bar and Bagels

While some slept in and others beat their coworkers to the office on November 29, more than 70 people gathered at Schwabe, Williamson & Wyatt for the



Ben Eder and Judge Cheryl Albrecht at the Bench, Bar and Bagels event

MBA's fourth Annual "Bench, Bar and Bagels" networking event. It was an opportunity for early birds to enjoy pastries with their colleagues and talk with judges in a casual setting. "Having

an opportunity to informally meet and talk with members of the bench, law firm partners, associates, solo practitioners and attorneys all across the spectrum was a very unique experience and fun way to spend the morning," said Brad Krupicka, who organized the event for the MBA Membership Committee.

"For the second year, I was glad to attend the Bench, Bar and Bagel event hosted by the MBA. It was a great opportunity to visit with lawyers, especially with those who rarely get into court these days. I hope the MBA continues to host similar events," said Hon. Henry Kantor.

The event was generously sponsored by FixedFee I.T.

If you or your firm is interested in sponsoring a similar event in the future, please contact Kathy Modie at kathy@mbabar.org.



Calendar

To add your organization or firm's annual events to the MBA online calendar, contact Carol Hawkins, carol@mbabar.org.

JANUARY

1.1 Tuesday
New Year Holiday

1.4 Friday
MBA Judicial BrownBag
Visit www.mbabar.org for details

1.5 Saturday
YLS Community Service Day at Blanchet House
Visit www.mbabar.org for details

1.12 Saturday
Judge Michael Hogan's Retirement Party
Visit <http://hoganretirement.com> for details

1.18 Friday
Oregon State Courts are closed

1.21 Monday
Martin Luther King Holiday

1.24 Thursday
OMLA Member Recognition Reception
Visit www.oregonminoritylawyer.org for details

1.31 Thursday
YLS Community Service Day at Oregon Food Bank
Visit www.mbabar.org for details

FEBRUARY

2.8 Friday
MBA & YLS Board Election Self-Nominating Petition deadline
See p. 6 for details

PILP Auction

Visit http://law.lclark.edu/student_groups/public_interest_law_project for details

2.15 Friday
OHBA 7th Annual Award Dinner
Visit www.oregonhispanicbar.org for details

2.18 Monday
Presidents' Day Holiday

2.20 Wednesday
CEJ Awards Luncheon
Visit www.cej-oregon.org/events.php for details

2.23 Saturday
WinterSmash at 20th Century Lanes
Visit www.mbabar.org for details

MARCH

3.2 Saturday
ACLU of Oregon Liberty Dinner
Visit www.aclu-or.org for details

3.8 Friday
OWLS Awards Dinner
Visit www.oregonwomenlawyers.org for details

Good deeds deserve recognition

Nominate someone today for the

**MBA • LASO • OLC
Pro Bono Awards**

Senior 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 22



Seminars are worth 2 OSB credits unless otherwise noted; 2 Washington MCLE credits may be obtained independently. Registrants who miss the seminar may request the written materials. Substitutions are welcome. Registration fees are non-refundable.

An Anatomical Look at Custody Evaluations

Thursday, January 24, 2013
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland
Members \$55
Non-members \$85

This two hour class will examine what evaluators want to see from lawyers and what lawyers need to know from evaluators. The presentation will include an examination of how to prepare your client for an evaluation and how to prepare the evaluator for your case. In addition, there will be a discussion of how to prepare an evaluator for trial and how to present an evaluation to the court.

Our speakers are **David Hobson** and **Dr. Robert Loveland**. David has been practicing since 1985 and practices exclusively in the area of Family Law. Dr. Loveland is a licensed psychologist who has been conducting custody, parenting plan, and forensic evaluations for child protection or adoption issues since 1978. He has been recognized as an expert witness in these matters in jurisdictions across Oregon and Washington.

For more information:

Call Dan Margolin, Stephens Margolin at 503.546.6374. For registration questions, call the MBA at 503.222.3275.

Multnomah County Presiding Court Update 2013

Tuesday, January 29, 2013
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland
Members \$55
Non-members \$85

In this two-hour update session the Multnomah County Presiding **Judge Nan Waller** and court staff will discuss the 2012 Supplemental Local Rules for Multnomah County Circuit Court and other issues unique to practicing in Multnomah County. This seminar is designed for attorneys at all levels of experience and questions are strongly encouraged.

For more information:

Call the MBA at 503.222.3275.

Nickel and Dimed: Controlling the Cost of Litigation

Wednesday, January 30, 2013
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland
Members \$55
Non-members \$85

Both inside and outside counsel are facing growing pressure to lower the costs associated with litigation. Court rulings, opposing parties and other unforeseen actions make predicting the cost of litigation nearly impossible. However there are steps you can take, and tools you can employ, to control expenses. Three seasoned litigators, **Bill Barton**, Attorney at Law, **John Hart** of Hart Wagner and **David Markowitz**, Markowitz, Herbold, Glade & Mehlhaf PC, will discuss ways to contain costs including:

- Preparing staff for litigation
- Efficiently using experts
- Cost consideration of venue
- Using consultants efficiently
- Using motion practice cost effectively
- Using case assessments and budgeting to control costs
- Minimizing document management and discovery costs

For more information:

Call Shannon Armstrong, Markowitz, Herbold, Glade & Mehlhaf at 503.295.3085. For registration inquiries, call the MBA at 503.222.3275.

From Cuff Links to Handcuffs:

What Business Lawyers Need to Know When the Feds Come Knocking on their Client's Door

Thursday, January 31, 2013
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland
Members \$55
Non-members \$85

Federal prosecution of white collar crimes has increased dramatically over the last decade. A client's first instinct is to call a trusted business adviser when contacted by criminal investigators and prosecutors. Unfortunately, even seasoned civil practitioners may not know the intricacies of federal criminal practice. In this case, what you don't know may hurt you and your client.

Criminal defense lawyer **Samuel Kauffman**, a partner and Chair of the White Collar Defense and Investigation Group at Garvey Schubert Barer and Assistant United States Attorney **Michelle Holman Kerin**, from the Fraud Unit at the District of Oregon's United States Attorney's Office, will provide insight into the federal criminal process and offer advice about what to do when law enforcement contacts your client for information,

help identify pitfalls that can ensnare clients and civil lawyers during a criminal investigation, and what you can do to avoid them.

For more information:

Call Bear Wilner-Nugent, Attorney at Law at 503.351.2327. For registration questions, call the MBA at 503.222.3275.

In Your Facebook - Cutting Edge Subpoena Issues for a New Technological Age

Tuesday, February 26, 2013
3:00-5:00 p.m.

World Trade Center
Plaza Conference Room
26 SW Salmon, Portland
Members \$55
Non-members \$85

Interested in obtaining records from Facebook or other social media sites? Does your client have Google search histories or bank records you would like to protect? Learn the ins and outs of subpoenaing these types of records from the legal experts -- **Judge Judy Matarazzo**, Multnomah County Circuit Court, **Erin Olson**, Attorney at Law, **Kendra Matthews**, Ransom Blackman LLP and **J.R. Ujifusa**, Multnomah County District Attorney's Office.

For more information:

Call the MBA at 503.222.3275.

Estate Planning During Uncertain Times

Wednesday, February 27, 2013
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland
Members \$55
Non-members \$85

With ballot measures failing to pass and the approaching federal fiscal cliff, it is a difficult time for estate planners to advise their clients regarding certainty in their estate and tax planning. This program will discuss some techniques for estate planning attorneys to use to assist their clients during these uncertain times. Our speakers are **June Wyrick Flores** from Ater Wynne and **Ted Simpson** from Harrang Long Gary Rudnick.

For more information:

Call Heidee Stoller, Ater Wynne at 503.226.8616. For registration questions, call the MBA at 503.222.3275.

CLE Class Registration on next page

An Employee By Any Other Name: Proper Characterization of Staff and Contractors

Tuesday, March 19 2013
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Mischaracterization of employees as independent contractors is an increasingly audited issue for Oregon employers. Spend an afternoon with employment attorney **Andrew Schpak**, Barran Liebman and veteran CPAs **Jason Orme** and **Kris Peterson**, of Talbot, Korvola & Warwick, exploring the best practices for establishing employee classification. Learn about your client's exposure for an incorrect classification and what to expect when the Department of Labor or IRS call.

For more information:

Call Todd Cleek, Cleek Law Office at 503.706.3730. For registration questions, call the MBA at 503.222.3275.

Annual Family Law Update

Wednesday, March 20, 2013
3:00-5:00 p.m.

World Trade Center
Auditorium
26 SW Salmon, Portland

Members \$55
Non-members \$85

On March 20 the MBA will hold its annual two-hour Family Law Update. **Judge Maureen McKnight**, the Chief Family Court Judge for Multnomah County, will be joined by **Thomas Bittner** of Schulte, Anderson, Downes, Aronson & Bittner and **Gary Zimmer** of Zimmer Family Law. Our speakers will provide family law practitioners with information on changes to Multnomah County Circuit Court procedures well as valuable updates on appellate case law.

For more information:

Call Daniel Margolin, Stephens Margolin, at 503.546.6374. For registration questions, call the MBA at 503.222.3275.

The Life Cycle of a Law Firm

How to Start a Firm, Leave a Firm, or Retire from the Practice of Law

Thursday, March 21, 2013
3:00-5:00 p.m.

World Trade Center
Auditorium
26 SW Salmon, Portland

Members \$55
Non-members \$85

Understand your liability exposure and ethical responsibilities when transitioning into or out of a firm. Tips and practical advice from the practice management advisors at the Professional Liability Fund.

Beverly Michaelis provides confidential practice management assistance to Oregon attorneys to reduce their risk of malpractice claims, enhance their enjoyment of practicing law, and improve their client relationships through clear communication and efficient delivery of legal services. **Dee Crocker** has been a PLF Practice Management Advisor since 1992 and has over 30 years of experience in the legal field, including 14 years as a legal secretary, three years as a secretarial supervisor to over 50 legal secretaries, and three years as a law office manager.

For more information:

Call Daniel Margolin, Stephens Margolin, at 503.546.6374. For registration questions, call the MBA at 503.222.3275.

Photocopy, complete and mail or fax the registration form with payment to the MBA to reserve your space. Or register online and receive a \$5 discount. Self-study materials from past CLE classes may be downloaded at www.mbabar.org.

Registration Form

Receive a \$5 Discount when registering online at www.mbabar.org.

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- MBA Member
- Non-Member

Payment Options:

- Check VISA MasterCard
- American Express

Registration forms with payment must be received in the MBA office by 3:00 p.m. the day before the seminar, or the "at the door" registration fee will apply (see fees for each class and fill in the blank on registration form). Registration forms may be mailed or faxed to the address or number below. Accommodations available for persons with disabilities; please call in advance for arrangements.

Photocopy registration and mail or fax with payment to:

Multnomah Bar Association
620 SW Fifth Ave., Suite 1220 ■ Portland, OR 97204
503.222.3275 ■ Fax to: 503.243.1881

Register online and order or download MBA self-study materials at www.mbabar.org.

Reduced fees for unemployed members are available and are assessed on a case-by-case basis. For details, call the MBA at 503.222.3275.

Seminar Selection:

Please select the seminar(s) you wish to attend. Written materials for each class are included with registration. Pre-registration with payment is required to reserve a space; at-the-door registrations are accepted if space is available; an additional \$5 charge will apply.

1/24 An Anatomical Look at Custody Evaluations

- Class Registration Online (\$50 Members/\$80 Non)
- Class Registration (\$55 Members/\$85 Non) \$ _____
- CD-ROM & Written Materials (\$55 Members/\$85 Non) .. \$ _____

1/29 Multnomah County Presiding Court Update 2013

- Class Registration Online (\$50 Members/\$80 Non)
- Class Registration (\$55 Members/\$85 Non) \$ _____
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1/30 Nickel and Dimed: Controlling the Costs of Litigation

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1/31 From Cuff Links to Handcuffs

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2/27 Estate Planning in Uncertain Times

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- CD-ROM & Written Materials (\$55 Members/\$85 Non) .. \$ _____

3/19 An Employee By Any Other Name

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- Class Registration (\$55 Members/\$85 Non) \$ _____
- CD-ROM & Written Materials (\$55 Members/\$85 Non) .. \$ _____

3/20 Annual Family Law Update

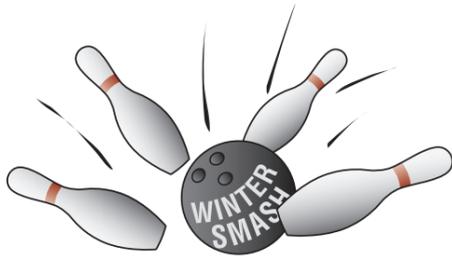
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3/21 The Life Cycle of a Law Firm

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- Class Registration (\$55 Members/\$85 Non) \$ _____
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Total due \$ _____

WinterSmash Benefits Multnomah CourtCare



The 11th Annual WinterSmash is slated for Saturday, February 23 from 6-9 p.m. at AMF 20th Century Lanes (3550 SE 92nd 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. Additional funding comes from the Oregon Judicial Department,

Multnomah County and the federal court new admittee fund. The program provides 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, offers games, toys, art supplies and books for up to 100 children a month in a safe and nurturing place to play while parents or guardians tend to court business.

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 \$40 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. Raffle tickets will be for sale. The event promises to be a good time; don't miss this opportunity! Registration information will be available on the MBA website on January 14.

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DENTAL AND VISION

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 The password is: **MBA** (all caps).

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Ethics Focus

The Power of Words Three Key Words for Risk Management

by Mark J. Fucile
Fucile & Reising



Many words describe key concepts for law firm risk management. Over the years, however, I have been struck with three in particular: trust; communication; and hubris. In this column, we'll look at each.

Trust

In a provocative article last year in the *Georgetown Journal of Legal Ethics*, Professor Robert Vischer ("Big Law and the Marginalization of Trust," 25 *Geo. J. Legal Ethics* 165 (2012)) explored the decline in trust between lawyers and clients as the emphasis for some shift from the classic attorney-client relationship to a transactional model focused on the purchase and sale of technical services. It's not that trust is absent from the latter. I want a car mechanic that is both competent and that I

...a provocative article last year ... explored the decline in trust between lawyers and clients....

trust. One of my law professors, however, was fond of reminding us

that law, like medicine, frequently puts us at the intersection of some of the most difficult times in our clients' lives. Placing the accent on the relationship element of our dealings with clients won't prevent bar complaints or malpractice claims. But fostering trust will hopefully encourage a more effective lawyer-client dynamic that leads to better results.

Communication

In the 1967 classic "Cool Hand Luke," Strother Martin plays a prison warden with the famous line: "What we've got here is failure to communicate." The

Reasonable communication between the lawyer and the client is necessary....

same could be dubbed into many disciplinary and malpractice decisions. The comments to ABA Model Rule 1.4 on which our corresponding RPC is based include a pithy summary of our duty to communicate: "Reasonable communication between the lawyer and the client is necessary for the client effectively to participate in the representation."

Although brief, the ABA comment underscores a central tenet of risk management: clients who understand and participate in key decisions are less likely to question them later. Second guessing is human nature. As noted, however, clients who share "ownership" with important decisions along the way are less likely to point fingers afterward if the outcome isn't entirely as hoped. A key corollary is to document the decision at the time. A quick note or email back to the client confirming the decision can play an important role later as memories fade or plans don't pan out.

Hubris

Dictionary.com defines hubris as "excessive pride or self-confidence; arrogance." That short explanation neatly captures the twin essence of this word in the context of law firm risk management.

Arrogance is by far the more dangerous variant because it can infect entire organizations and blur their institutional decision-making as a whole. This is the "smartest guys in the room" syndrome: when organizations come to believe that the laws of gravity don't apply to them - until they do. This facet of hubris is by no means unique to law firms. Organizations large and small in many walks of life provide ready, if dubious, examples. Dewey & LeBoeuf's very public demise last year, however, highlighted that even the largest law firms are inherently fragile. That puts a premium on firms having leadership (and followership) who appreciate a strong risk management infrastructure. By that I don't mean just having a

Arrogance is by far the more dangerous variant because it can infect entire organizations....

set of conflict waiver forms and a copy of *The Ethical Oregon Lawyer* (although both are good starts). More importantly, it means encouraging lawyers to consult with their colleagues on tough issues and to do the right thing.

Excessive self-confidence can at first blush seem like a more benign strain of hubris. When applied to individual lawyers, however, it can be equally dangerous. It often includes the seductive thought that only that particular lawyer can handle a given case or transaction even in the face of, for example, a serious conflict. Individual lawyers in that position need to remain clear-headed enough to realize that they are not the only lawyer capable of handling the matter and they should pass in light of the conflict or other serious impediment.

MBF Seeking Letters of Inquiry for 2013 Grant Cycle

The MBF is now accepting letters of inquiry for 2013 grant funding. Interested nonprofits are encouraged to apply by January 25. Details may be found at mbabar.org/Foundation or contact Pamela Hubbs (pamela@mbabar.org).

The MBF awards grants to nonprofit organizations whose

programs are aligned with the mission of the Civic Education Fund (formerly the MBA 100th Anniversary Community Gift Fund) to promote civic education and engagement and increase the public's understanding of the justice system.



Student filmmakers, YOUthFILM Project, 2012 grantee

mba | ANNOUNCEMENTS

Take a Matter that Matters

Please sign the MBA 2013 Pro Bono Pledge and commit to taking at least one pro bono case this year. See the Pro Bono Pledge brochure inserted in this issue of the *Multnomah Lawyer* and sign the pledge at <http://mbabar.org/AboutUs/ProBono.html>.

Noon Bicycle Rides

Take a noon break for a short, fast ride with hills. Meet 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 just meet at the start.

February 15 OHBA Award Dinner

The Oregon Hispanic Bar Association (OHBA) will award Román D. Hernández, a shareholder with Schwabe, Williamson & Wyatt, its 2013 Paul J. De Muniz Professionalism Award. The award will be presented at the OHBA's Seventh Annual Award Dinner, to be held on Friday, February 15 at the Hilton Hotel in downtown Portland. The Hon. Jimmie V. Reyna, judge on the U.S. Court of Appeals for the Federal Circuit, is the keynote speaker. For more information, please contact OHBA Treasurer, Susan Felstiner at sfelstiner@lclark.edu.

OHBA represents the voice of Latinos in Oregon's legal community. The OHBA seeks to encourage Latinos to become attorneys, retain Latino legal professionals, raise awareness of Latino legal issues, collaborate with other organizations that serve the Latino community, support Latino law students and legal professionals, and celebrate the achievements of Latinos in Oregon.

Lane Powell Scholarships Awarded

The Naa Amerley Palm Education (NAPE) Foundation recently awarded five more Lane Powell/Lee Nusich Scholarships to deserving students attending institutions of higher learning in Ghana. Including the most recent recipients, a total of 46 scholarships have been awarded to Ghanaian university students since the scholarship foundation started in January 2009. The scholarship was named for Lane Powell and Lee C. Nusich, counsel to the firm in the Portland office and chairman of the board of NAPE Foundation, as a tribute to both Nusich's and Lane Powell's support, which has been instrumental in obtaining funding for the scholarships.

The five Lane Powell/Lee Nusich Scholarship recipients and their courses of study are: Maame Owusua Antwi-Larbi, business administration; Dorcas Adjorkor Adjei, education; Ernest Awutey, psychology and religion; Priscilla Esinam Yevu, management information systems; and Nanette Mawuena Taylor, management information systems.

The Lane Powell/Lee Nusich Scholarship Fund will help students in Ghana attend Ghanaian universities by providing monetary assistance with tuition, textbooks and residential facility user fees. In awarding these scholarships, NAPE Foundation considers the student's financial need, as well as his or her academic performance, demonstrated leadership abilities, community service and commitment to contribute to the community and society at large subsequent to graduation. The scholarship was designed to benefit students studying in all academic fields at the university level with a special focus on mathematics, engineering, health science, computer science, information technology, accounting and business administration. The NAPE Foundation is a registered 501(c)(3) nonprofit organization dedicated to providing an increase in educational opportunities to Ghanaians with scholarships to attend Ghanaian universities.

OAPABA Board Member Beth Bagley Elected to Deschutes County Circuit Court

Oregon Asian Pacific American Bar Association (OAPABA) Board member Beth Bagley was elected to the Deschutes County Circuit Court this past November. Bagley is the first elected Asian Pacific American judge and the first APA woman to take the bench in Deschutes County history.

2012 MBA Golf Season Raises over \$23,000 for the Volunteer Lawyers Project at Legal Aid

Thank you, sponsors and golfers, for your generous support!



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Local bar organizations are welcome to add their metro area events to the MBA online calendar at this link: <http://mbabar.org/Calendar/SubmitAnEvent.html>



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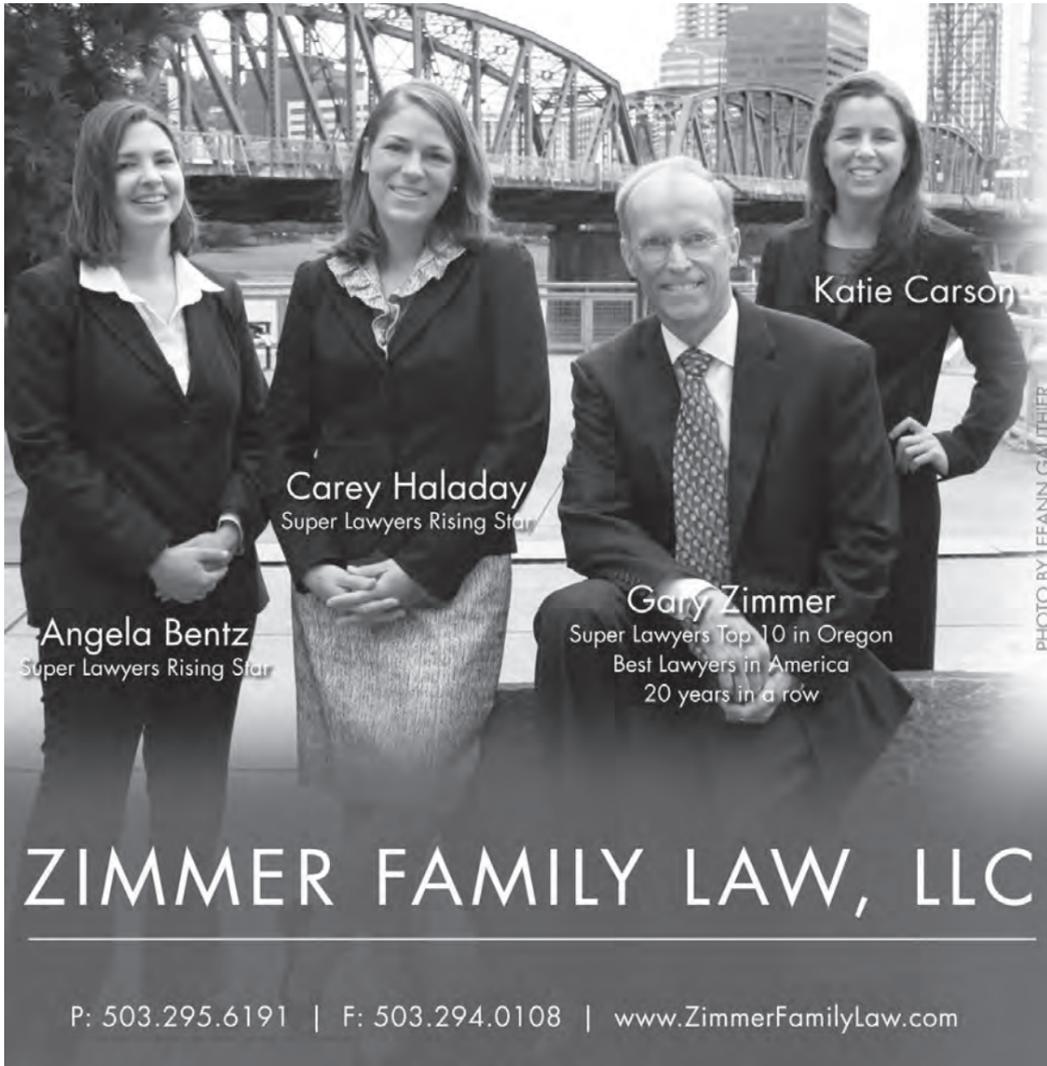
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Around the Bar



Richard M. Glick

Davis Wright Tremaine

Richard M. Glick, chair of the Natural Resources practice, has been named co-chair of the Environment and Economic Development Committee of Oregon Business Association (OBA). The committee is one of several whose purpose it is to develop policy and legislative recommendations to the OBA Board of Directors. OBA as an organization believes that sound environmental policy goes hand in glove with sustainable business growth and jobs creation.

Glick focuses his practice on environmental, water, and energy law, representing businesses and local governments in a wide range of environmental matters.



Dave Bartz



Mark Long



Román D. Hernández

Schwabe, Williamson & Wyatt

The firm expanded its board of directors in a recent election. President **Dave Bartz** and **Mark Long** were re-affirmed as co-leaders, a model that has been in place for more than a decade. **Joel Parker** joins shareholders **Jill Gelineau** and **Kevin Kerstiens** on the board.

Román D. Hernández, a shareholder, is the 2013 recipient of the Oregon Hispanic Bar Association's (OHBA) Paul J. De Muniz Professionalism Award. Hernández will be honored at the OHBA annual award dinner on February 15.

The firm also recently announced a reorganization of its practice group leadership, combining the talents of both new and existing leaders. The following Portland-area MBA members are leaders: **Tom Tongue**, Business & Corporate group leader; **Mark LeCoq** Commercial Litigation group leader; **Elizabeth Schleuning** Employment group leader; **Noah Jarrett**, General Litigation assistant group leader; **Jeff Eden** Product Litigation group leader; and **Dan Eller**, Tax assistant group leader

Stoel Rives

The firm's Portland office has been honored with the 2012 Sustainable Law Office Leadership Award by the OSB's Sustainable Future Section. The award was presented to the firm by U.S. Rep. Earl Blumenauer at a ceremony at Stoel Rives' Portland offices in November 2012.



Clifford S. Davidson

Sussman Shank

Clifford (Cliff) S. Davidson is now an associate in the firm's Litigation Department.

A commercial litigator with jury trial and appellate experience, Davidson has handled a broad range of matters from complex commercial litigation to first amendment and employment litigation. He is also co-author of a treatise on privacy law, and has advised numerous clients on state, federal, and international data privacy and employment laws.



Mark Turner

Cosgrave Vergeer Kester

Mark Turner has joined the firm's Business Litigation practice group as of counsel.

Turner's practice focuses on business, commercial, and employment litigation. He represents clients in matters involving securities regulation, shareholders' rights and corporate governance, contract disputes, real estate, business torts, intellectual property, and employment relationships, among other issues.

McEwen Gisvold

OAPABA member **Trung Tu** was officially inducted as NAPABA Northwest Regional Governor at the NAPABA National Convention in Washington, D.C. in November 2012. Tu is a partner at the firm, where he specializes in business litigation, legal malpractice defense and employment law.



Andrew Schpak

Barran Liebman

Kyle Abraham is now an associate attorney of the firm. His practice focuses on representing employers in labor and employment law matters.

Abraham also serves as a Judge Advocate General in Oregon Air National Guard, with the rank of Major.

Andrew Schpak, a partner, has been awarded the OSB President's Membership Service Award for his contributions made to the profession, specifically the New Lawyer Mentoring Program. He served on the task force that created the program. The award is given yearly to one member of the bar whose volunteer efforts over the past year have made significant contributions to other lawyers in the state.

Vigilant – Counsel for Employers

Jonathan Benson has joined the Portland area office of Vigilant. His practice is focused on employment and labor law and HR solutions for employers.



John Kaempf

Lindhahl Kaempf

John Kaempf and **Dan Lindahl** have formed a new firm, which focuses on defending civil litigation in Oregon's and Washington's state and federal

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Surinder Bobbin Singh '11
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Monica A. Smith '82
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Sandra A. Hansberger '82
Distinguished Graduate

Justice Anthony Kennedy*
Distinguished Honorary Graduate

Saturday, January 19, 2013
Cocktails at 5:00 p.m. • Dinner at 6:00 p.m.

Embassy Suites, Queen Marie Ballroom
319 SW Pine Street, Portland, Oregon



*Accepted by first year law student Rudolph Jeffries, who formerly worked for Justice Kennedy



Dan Lindahl

courts at both the trial and appellate levels. Kaempf is a trial lawyer who specializes in defending religious schools, churches, and other businesses against employment and child abuse claims. He also defends high exposure personal injury and wrongful death cases. Lindahl's practice concentrates on appeals in state and federal court. He is a fellow in the American Academy of Appellate Lawyers. The firm's website is www.LindhahlKaempf.com.



Chris Lombard

Christopher Lombard

Chris Lombard recently joined the Portland office of Northwestern Mutual as a financial representative. In this new position, he advises and counsels his clients on

financial issues related to risk management and wealth accumulation, as well as retirement planning. He will have a particular focus on helping fellow attorneys plan for financial security.



Kahn & Kahn

Kahn & Kahn

The firm has moved to the Loyalty Building at 317 SW Alder St. Ste. 1250, Portland OR 97204.

Garry Kahn, who in 2012 celebrated 50 years as an Oregon lawyer and **Steven Kahn**, who in 2013 celebrates his 25th year as an Oregon lawyer, will continue to represent individuals who have claims for injury, death and destruction caused by the negligence of others.

The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. The submission deadline is the 10th of the month preceding publication or the prior 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 Hawkins, carol@mbabar.org.

The Race for the Justice Cup Heats Up

by Sandra Hansberger
Executive Director
Campaign for Equal Justice

The Campaign for Equal Justice (CEJ), the support arm for Oregon's legal programs, including those in Multnomah County, launched its annual fund drive in September. Since the campaign was founded in 1991 by Oregon lawyers, campaign supporters have contributed over \$21 million to legal aid.

The past two years have been tough for legal aid and low-income Oregonians who are trying to access the justice system. Programs have had to reduce staffing by 20% over the past two years, and this comes at the time when the number of low-income Oregonians is at a record high. As a part of budget cuts, the Oregon City Legal Aid office was closed last spring, resulting in an expanded service area for the Portland Regional Office (formerly the Multnomah County Office) of Legal Aid Services of Oregon (LASO). The Portland office now serves low-income residents in Multnomah, Clackamas, Hood River, Sherman and Wasco Counties. Legal Aid's directors now estimate that they are able to serve about 15% of the legal needs of the poor, a dramatic decline from recent years.

Last year the campaign and the OSB decided to capitalize

on the competitive spirit of Oregon lawyers and launched the Justice Cup competition, which recognizes the region with the highest percent of lawyers giving to the campaign. Lane County lawyers won the Justice Cup last year and the cup is prominently displayed in the Lane County Courthouse. Over 32.5% of lawyers in Lane County gave to the campaign, followed closely by Multnomah County, with 31.15% giving. When Eugene lawyer John Gartland accepted the Justice Cup at the Portland CEJ Annual Awards Luncheon last year he said, "Bring it on, Multnomah County!"

This year both Lane County and Multnomah County are off to a good start in the competition. Fundraising for the CEJ in Multnomah County is done through representatives in Portland's large firms, mid-sized firms, young lawyers, trial lawyers, and corporate counsel. The campaign's brochures and remittance envelope can be found in the November and December issues of the OSB Bulletin. Last year, Multnomah County lawyers contributed almost \$700,000 for legal aid and the goal this year is \$718,000. In all, the campaign has about 280 volunteers who help with fundraising and with



the campaign's education and outreach efforts and grass roots lobbying efforts. CEJ Board President Mark Wada says, "We are grateful to Portland area lawyers for your pro bono support and your charitable contributions to legal aid. These are tough times for legal aid, and legal aid needs your financial support now more than ever."

The competition ends on February 8 and will be awarded at the CEJ Annual Awards luncheon on February 20. According to MBA President Greg Moawad, "Multnomah County has an incredible tradition of supporting legal aid. As much as I respect John Gartland, this cup belongs in Multnomah County. Let's bring it back."

Editor's Note: In the greater Multnomah County area, lawyers do not have the highest percentage of giving to CEJ. If we expand the breadth of giving, we should indeed be able to "bring this trophy home to Multnomah County." If you haven't yet donated, please consider even a \$25 contribution. You may donate at www.cej-oregon.org.

Big-Time MBA Representation in the ABA House of Delegates

Former MBA YLS President Andrew Schpak currently serves as our MBA Delegate on the ABA House of Delegates (HOD). As the policy-making body of the ABA, the HOD meets twice each year to consider resolutions on a range of issues affecting the practice of law. The HOD also adopts model rules which serve as the framework for rules of professional conduct and uniform laws applicable to state and local jurisdictions. Andrew notes that the ABA can have a significant effect on public policy.

"Action taken by the HOD on specific issues becomes official ABA policy. Sometimes, the ABA attempts to further those official ABA policies by lobbying Congress. In those cases, there is a real possibility that the HOD's position and the ABA's efforts have an impact on the targeted legislation" says Andrew.

The ABA is currently looking at issues ranging from ethics rules in the electronic age to greater transparency from law schools regarding alumni employment and income statistics.

HOD delegate seats are assigned to each state and some county and city bar associations based on the population of lawyers in each jurisdiction. Oregon has four delegates from the state bar, one from the MBA, and one ABA state delegate. In addition, some specialty bars have seats. In this way, states with many lawyers who are heavily involved in the ABA end up with a disproportionate amount of representation. The Oregon delegation currently consists of Ben Eder, Marilyn Jean Harbur, Christine Meadows, Judge Adrienne Nelson, Katherine O'Neil, Mark Johnson Roberts and Andrew. Traci Ray is the MBA YLS representative to the ABA Young Lawyers Division (ABA YLD).

Andrew hopes to build the size and strength of the Oregon delegation to the ABA and he is eager to introduce Oregon lawyers to the ABA's continuing education, professional development, and networking opportunities. Andrew explains that "It takes a while to understand the ABA's structure and how to move up within the organization. My first ABA YLD role was as a member of the host committee for the 2006 ABA YLD Spring Conference, which was held in Portland. Since then, I've held a number of positions, ranging from district representative for Oregon and Washington, to Conferences, Programs and Products Director, to co-chair of the ABA YLD Labor and Employment Law Committee. Now, as secretary-treasurer of the ABA YLD, I oversee the division's \$1,750,000 budget and have a leadership role in selecting the sites for two of the ABA YLD's national conferences, as well as the public service and member service projects that it will implement nationally during the 2014-15 bar year. Over the last six years, the ABA has given me the opportunity to meet lawyers from around the world, hone my speaking and leadership skills, and develop an international business referral network. The hardest part is figuring out where to start and dip that first toe into the water, but I am more than happy to help brainstorm about where to start."

If you are interested in learning more about the current activities of the ABA, or potentially getting involved with the ABA in general or as a future MBA delegate to the HOD in particular, please contact Andrew Schpak at aschpak@barran.com.

The Corner Office PROFESSIONALISM

"Dear Counsel:

Our clients have been battling in court for a year. I write to suggest we return to mediation and try to settle.

Settlement is a better use of resources than your client's endless motion practice. Further, since your client clearly breached the non-disclosure agreement, settlement seems the best possible outcome for your client.

Sincerely,
Opposing Counsel"

We have all sent or received a letter like this one. It demonstrates how our training as critical thinkers and advocates can sometimes prevent us from behaving at our professional best and prevent us from serving the best interests of our clients.

The first paragraph states an admirable proposal: let's mediate and try to settle this case.

But the author could not stop. The author could not overcome his training as an advocate. He had to add the second paragraph and throw a couple jabs: one jab at opposing counsel for "endless motion practice," and a second jab at the opposing party for having "clearly breached."

Here, the author's advocacy will likely hurt his client. On reading the letter, the receiving lawyer and her client will best remember - and most likely respond to - the second paragraph. When the receiving lawyer's advocacy training kicks in, the most likely response will be: "My motions will be granted. And, by the way, my client did not breach the non-disclosure agreement, your client breached."

The idea of settlement will likely be lost in a back-and-forth. If, somehow, the idea of settlement survives and the parties mediate, the parties and their lawyers will arrive at mediation bruised and angry - a condition not conducive to settlement.

The lesson: stop advocating. If your client wants to settle, delete the jabs before you send. If you receive the letter, don't jab back.

The letter inviting mediation is an obvious example of when to stop advocating, but the same lesson applies to the practice of law in general.

The best briefs, for example, stick to the facts and law and explain the issue to the court in simple, neutral terms. It is counterintuitive to say "stop advocating in your briefs," but it is a good rule to write by. The

more you let the facts and law do the talking in your brief, and the less you seem to argue, the more persuasive your brief will be. Keep it civil too. As Justice Scalia and Bryan Garner advise, "Restrain your emotions. And don't accuse."¹ In other words, stick to the facts, cut the jabs, and don't respond to jabs thrown your way, unless absolutely necessary.

You can also over-advocate in deal-making. Consider whether your client's best interests in contract negotiations are served by drafting a highly one-sided contract that favors your client, if that draft leads to slow and expensive negotiations. Your client might be better served by a balanced first draft that tries to find the appropriate middle ground between the parties' legitimate needs. The balanced draft is the draft most likely to create a trusting relationship between the parties and result in an efficient, closed transaction.

Sometimes it is better to advocate less to best serve your clients and the profession.

¹ A. Scalia and B. Garner, *Making Your Case, The Art of Persuading Judges*, p.34 (2008).



Happy New (Membership) Year!

The MBA would like to remind all members that the time to renew for 2013 is now for those who have yet to do so. Renew your membership online at www.mbabar.org and continue to enjoy the many benefits of membership.

We look forward to serving you in 2013.



Tips From the Bench

A Lawyer's Approach to Pro Per Litigants

by Judge Leslie Roberts
Multnomah County Circuit Court

"I think the first duty of society is justice." - Alexander Hamilton

It may be my imagination, but it does seem to me that I have been seeing a greater number of people stray into court as "pro per" litigants. Say what you may about people who represent themselves ("A fool for a client" springs to mind), many people on the civil side of things have no choice. Our system is premised on the contest of balanced forces of advocacy tried to a neutral tribunal, with justice the product of a fair contest on the substantive dispute. Court procedures and rules of evidence are intended to serve - not to defeat - fairness. Yet a person representing himself or herself against a trained lawyer is at a grave disadvantage.

A judge doesn't want to compromise neutrality by coaching the lay litigant or by inventing new rules and procedural exceptions for the layman. On the other hand, the judge is naturally repelled by the spectacle of an ignorant citizen being rolled by an eager opposing attorney taking advantage of superior knowledge of court processes.

An attorney has a role as an officer of the court, and is governed by ethical and professional standards, in the attorney's task of advancing the client's arguable legal rights. Therefore, an attorney should exercise a wise and fair restraint in pressing for advantage through mere procedural maneuvering to the detriment of a fair litigation of the merits of a lay person's position.

Clients may not understand this. Furthermore, some attorneys are so enamored with their skills and so focused on scoring the win that they seek to take advantage of a relatively defenseless opponent in any way possible. That is a neophyte's mistake.

My objective is not merely to remind readers of lofty obligations to justice, but (assuming that does not always persuade) also to point out the gritty facts of life that punish lack of restraint in these situations.

Of course an attorney owes a high ethical duty of loyalty to the



client, not to the opposing party. However, it is also true that an officer of the court is expected to conform to court rules, including rules of evidence - even if, through ignorance alone, the opposing party is unlikely to make a proper objection. *And see*, Oregon Rules of Professional Conduct, Rule 3.4, (i.e., "a lawyer shall not ... (c) knowingly disobey an obligation under the rules of a tribunal.... (e) in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence." The opponent may not realize how he has been taken advantage of by an attorney's sharp maneuvers, but you can be sure that the judge sees it - and makes a correspondingly negative judgment about you and your client.

From a purely practical point of view it is necessary for the attorney to exercise restraint - generosity, even - in dealing with a lay opponent to avoid a more dangerous foe. No attorney wants to litigate against the judge. If the attorney takes unfair procedural advantage in fighting a lopsided case against a feckless lay opponent, a decent judge feels powerfully drawn to correct the balance of power - to 'temper the wind to the shorn lamb,' as my tort professor used to say. This is not to say that any judge will happily or eagerly embrace that role. Some may successfully resist. But there is not a single judge who will thank the lawyer for placing the judge in such an unhappy position, regardless of how active the court becomes in seeking to avert a merely procedure-driven resolution of the case.

Furthermore, I guarantee that every judge will feel gratitude and admiration for a lawyer whose open and supportive actions towards an unrepresented party make it unnecessary for the judge to wrestle between the judge's own obligations of neutrality and the court's overarching duty to serve justice.

News from the Courthouse

by Joe Hagedorn
Court Liaison Committee member

Presiding Judge's Report

Judge Waller reported that the Board of County Commissioners met on December 6 for a briefing on the Multnomah County Downtown Courthouse Community Outreach. The outreach included a web-based survey on the courthouse. Results of the 733 survey responses received by Multnomah County suggested that historic preservation was not the number one priority; instead, facility safety was the primary concern. The commissioners were briefed on the potential for participation in a joint effort by the State of Oregon and Partnerships BC, a British Columbia Registered Business Corporation, to conduct one or more "performance based

...historic preservation was not the number one priority; instead, facility safety was the primary concern....

partnership developments" in Oregon. The board approved unanimously a resolution to have the "Multnomah County Downtown Courthouse Project" screened as a potential candidate for the performance based partnership model. The screening report is due no later than February 28. If the courthouse is a suitable project for performance based partnership, then a business plan would be developed for consideration by the State of Oregon. Governor Kitzhaber is committed to having some appropriate projects developed under this program.

Judge Waller also reported on Oregon eCourt. Crook, Jefferson, and Linn Counties implemented the currently available Oregon eCourt components in December 2012. The implementation plan for Multnomah County will begin in January, and will take approximately 18

months, with a go "live" date in May 2014. eFiling in the Oregon eCourt Project will begin in Yamhill County in about a month. Doug Bray suggested committee members look at Odyssey File and Serve training materials on websites in Minnesota and Clark County, Nevada, as examples

...the court continues to have a discussion about creating efficiencies to reduce demand for judicial and staff time.

of the online filing system to be implemented in Oregon.

On another technological advancement which will be a part of Oregon eCourt, in Multnomah County, the court and the Domestic Violence One Stop Center are using software from TurboCourt which produces Family Abuse Prevention Act (FAPA) petitions and related court forms. Doug Bray describes the online FAPA forms process as similar in format and user experience as TurboTax. Judge Waller, Theresa Wright, and Doug Bray noted that self-represented litigants and attorneys are reporting that the forms cut the preparation time from an hour and a half (using the paper forms) to 15 minutes using the online software; the forms produced are readable, correctly limit the amount of necessary words, and are well-liked by the self-represented users and the family court's judges. In 2011, the Oregon eCourt procurement selected TurboCourt as one of the eCourt components for statewide implementation.

Judge Waller noted that the court continues to have a discussion about creating efficiencies to reduce demand for judicial and staff time. The court wants to conduct an evaluation in 2013 of the revised Civil Case Management system. Judge Waller would like to make the system more efficient in its demands on both judicial and attorney time for the initial cases management conferences.

With regard to document processing in the clerk's office, Judge Waller said that due to staff

reductions, the court is behind in both screening and entry of judgments. Family court is currently a couple of weeks behind in screening and entry of domestic relations judgments. The civil court is behind about a week in judgment entry, but a couple of weeks behind in screening default judgments.

The brownbag originally scheduled for November has been rescheduled to January 4th at noon. It will focus on civil processes and procedure and will be an opportunity for the trial bar to provide observations and suggestions regarding the new Civil Case Management system.

There are judicial changes occurring at the courthouse. Judge Marcus retired and Judge Baldwin was elected to the Oregon Supreme Court,

With two judicial vacancies, there will be a seniority-based rotation of courtroom assignments in February.

which created two vacancies. Judge McShane is leaving his family court position to return to the general bench and Judge Ryan also is moving out of the family court. New appointees will fill the two vacancies. In 2013, Judge Ryan will be sharing time presiding over the STOP court with Judge You. Judge Maurer will move to START court for Judge Bloch. With two judicial vacancies, there will be a seniority-based rotation of courtroom assignments in February.

Judge Waller said she will modify the "team" configuration of judges from the current structure of three judge teams. The "circuit clerk pool" will cease in favor of direct staff assignments of courtroom clerks to judges, with clerk coverage being arranged as needed for the five judges without clerks due to the May 2012 staff reductions. Judicial teams will be enlarged to five or six judges per team, with every judge having a judicial assistant and courtroom clerk, except for the five judges without courtroom clerks.



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Todd Cleek

An Unconventional Search for “Happy Law”

Todd Cleek, one of the MBA’s long-time volunteers, began his MBA service in the mid-90s with the YLS Service to the Public committee. Since that time he has served as president of the YLS Board, chaired the Professionalism Committee and in 2006, helped plan the 100th anniversary celebration of the MBA.

Todd’s journey to his current practice is an interesting and unique story. “I have been fortunate to work with some terrific firms and people during the last 18 years. I really appreciate the friends and mentors my legal career has led me to.” Many of these people are long-term MBA volunteers who have been great role models - both as lawyers and as human beings.

A majority of Todd’s practice is what he calls “happy law” - e.g., transactional real estate, estate planning and businesses. However, a few years ago, during the peak of the economic recession, there was less “happy law” to be found and Todd found himself helping many clients who had not planned adequately or were dealing with consequences of the financial crisis. He and his



Todd Cleek

As a result, they left secure, long-time positions, sold their house and moved into a camper van to tour North America. For 14 months, the couple circumnavigated Canada and the states, visiting 40 national parks and countless state and regional wilderness areas.

“Living on the road gave me the opportunity to use the skills I had developed in the legal profession in a whole new way. Making strong connections with people in a relatively short time frame is key to creating good client relationships. When you roll into a new town, making friends with a really diverse group of local people can make the difference between a meaningful experience and a very short stay.”

Todd says that the trip reinvigorated his patriotism, in an odd way - he observed that the barriers we so often perceive from electronic media don’t hold up when one meets people face to face. “We are an amazingly diverse country: geographically, economically, politically and

culturally. But when you meet new folks, even the ones who are very different from yourself, you find good people everywhere - people who are more interested in what connects you to them than what divides us. If you form your opinions about other people and places from watching the TV news, it always appears people are butting heads. Meeting people in person - on their home turf, is a great antidote for the cynicism that type of thinking can create.”

Todd says the trip also taught them much about the country itself and our phenomenal U.S. National Park Service. “The natural beauty of this country can’t be overstated. And the infrastructure that supports these places is easy to take for granted until you have to rely on it for your day-to-day food and lodging. We discovered this beautiful, private, Grecian bath in the Yellowstone Lodge which for a mere \$4 let us wash off a week of road dust, relax, soak and re-energize for the next day’s adventure.” They made many similar surprise discoveries in communities all over North America.

While Todd and Debbie enjoyed their travels, they chose to come home to Portland. “I got a call from a wonderful former client while we were camped on the red sandstone of Zion National Park. A group of investment bankers had orchestrated an offer to acquire her thriving action sports company and she needed help with the transaction. That deal brought me home and started my career as a solo practitioner.”

Todd’s new practice is quite a bit different from the high rise offices of his past. He completes much of his work from home, makes house calls to clients’ homes or businesses and has a flexible schedule so weekend or evening visits with clients are

possible when it better meets their schedule. “While there are certainly times that I miss being part of a team, I think the people I work for really appreciate the personal attention working on my own has allowed me to provide.”

Todd has great respect for his clients. He says the courage and energy of entrepreneurs continually amazes him, and these characteristics helped inspire him to take the risk of the road trip and a new law practice venture. He also helped his wife



Todd and Beedog in Death Valley

When your mate says, ‘let’s sell everything we own and move into our car for a year,’ it takes a pretty special person to answer positively.”

Todd says he has learned to be grateful for what you have, even during the times you have a hard run of it - all your experiences make you who you are, so there is really no such thing as a bad one. He tries to stay open to learning from all sources including recently taking a course in welding from PCC. “Law school really taught us how to identify problems. But sometimes there is so much focus on the problems that we forget our real job is to find solutions. Learning to plan and build a metal sculpture can be a good analogy to legal work. Hopefully, at the end of the job you have created something of substance that will withstand the test of time.”

Todd continues to be involved with the MBA and appreciates the opportunities it provides. He currently plans and organizes courses for the CLE Committee. “I have always gotten so much back from the time I give to the MBA. It’s a great way to connect with a good community, and to experience and help promote what’s best about lawyers.”



Todd surfing

wife, Debbie, realized this was a good opportunity to undertake a significant change in perspective.

Thank you, Peter Glade



The Multnomah Bar Association and the Multnomah Bar Foundation are grateful to Peter Glade for his dedication and service. Peter’s volunteer service to the MBA goes back prior to 2001, when he chaired the Communications Task Force and the CLE Committee. He served on the MBA Board from 2003-08, including terms as treasurer, president-elect,

president and past president. Peter served on the MBF Board from 2008-12, chairing the Grants Committee and serving as vice president, president and past president. Peter’s commitment to the mission of the MBA and MBF, steady leadership and generous support have advanced the goals of both organizations and earned our admiration. Thank you, Peter!

MBF Grants News

The Courts and You | Legal Logic

With a 2011 grant of \$3,500 from the MBF, MetroEast Community Media created “The Courts and You | Legal Logic,” a public affairs series to help educate the community about the valuable role of the judiciary. The first episodes, “Specialty Courts” and “Impartial Judiciary,” are on cable access programming and online at metroeast.org/LegalLogic.



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See the insert in this issue to make a year-end charitable contribution to the MBF or visit <https://mbabar.org/Foundation/Donate.html>

MBA and YLS 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 will be printed in the March issue of the *Multnomah Lawyer*.

The bylaws also allow for nominations for the MBA and YLS Boards 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 Friday, February 8, in the MBA office.

Voting will close on Friday, April 5. Winners will be officially announced at the MBA Annual Meeting on Tuesday, May 28.

Young Lawyers Section

The Importance of Mentoring Throughout Your Legal Career

by Ann McQuesten
YLS Futures Committee



I recently found myself at happy hour with my mentor, an experienced attorney, and my mentee, a first-year law student. As someone still very new to the practice of law, but with enough distance from the first year of law school to (hopefully) have a bit of good advice, it got me thinking about how mentorship - both giving and receiving - can benefit attorneys at all stages of their careers.

Mentoring has always been an important part of new attorneys' professional development. Traditionally it came primarily on the job from senior associates or partners. Now, with many new attorneys taking paths other than the traditional law firm, various organizations have developed mentoring programs outside the employment context.

Most significant for lawyers admitted since 2011 is the OSB New Lawyer Mentoring Program. This is a mandatory program aimed at giving new bar members meaningful, one-on-one access to experienced lawyers during the new members' first year of practice. The program includes substantive, practice-area-specific activities that expose new admittees not just to networking opportunities, but also to real legal work and feedback from experienced practitioners.

Although the program demands a substantial time commitment from new lawyers

and their mentors, it does so in order to provide the full scale of benefits that a mentoring relationship can offer. By requiring new lawyers and mentors to go beyond networking and career advice to substantive legal work, new lawyers gain practical skills they can apply to the various real-life challenges they may face. Given that many new attorneys work as contract lawyers or in solo practice without access to traditional on-the-job training, a comprehensive mentoring program is more important than ever.

Beyond the practical benefits that the program provides, it also gets new lawyers involved in mentoring from the beginning of their careers. Building mentorship into the foundation of the bar's value system should result in members who continue to mentor junior lawyers and seek guidance from senior lawyers throughout their careers.

No lawyer should think he or she is too inexperienced to be a mentor. Conversely, even the most seasoned attorneys can continue to learn and grow by drawing on their colleagues' knowledge and experience. In addition to the OSB's program, the MBA and all three Oregon law schools each have mentor programs, all of which welcome dedicated and enthusiastic participants.

The OSB New Lawyer Mentoring Program is only in its first year and will likely undergo changes based on feedback from its first group of participants. No matter what the format, I hope to be a lifelong mentor and mentee. I also hope that attorneys at all stages of their careers will see the value in the mentoring relationships that allow us to continually grow and succeed as a legal community.

YLS Gathers Toys for Tots

On December 6, the YLS held its annual Holiday Drop-in Social and toy drive at Portland Prime. Toys were gathered for the U.S. Marine Corps Reserve Toys for Tots Program. Marines collected toy and monetary donations, as well as the boxes of toys previously donated by local firms. 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 Katie Baker and Erin Rickards for coordinating the event and collection boxes this year, and to the following toy collectors and their firms:

- Traci Ray, Barran Liebman LLP
- Eli Van Camp, Brisbee & Stockton, LLC
- Nick Wheeler, Cosgrave Vergeer Kester LLP

- Meghan Moran and Nick Kampars, Davis Wright Tremaine LLP
- Mackenzie Hogan, Harris & Bowker LLP
- Corrinne Hill, Holland & Knight LLP
- Amy Hoven, Kennedy Watts Arellano & Ricks LLP
- Mary Tollefson, Kramer & Associates

- Darin Dooley, Law Offices of Nay & Friedenberg
- Dallas DeLuca, Markowitz, Herbold, Glade & Mehlhaf PC
- Jocelyn Pease, McDowell Rackner & Gibson PC
- Tyler Bellis, McEwen Gisvold LLP
- Christine Taylor, Miller Nash LLP
- Jodie Ayura and Michael Miller, Mitchell, Lang & Smith
- Samantha Gamboa, Schwabe Williamson & Wyatt PC



Katie Baker, Erin Rickards, Alison Pear and Erika Huebschman at the Holiday Social

Imprint Program Seeking Volunteers

The Imprint Program has returned for another great year of reading real books and corresponding with local high school students. This YLS Service to the Public Committee's popular program is a way for high school students to connect with young attorneys in their community and develop writing and analytical skills. Each student in the participating class will be paired up with a volunteer attorney. Both the attorney and the student will be assigned a novel to read over a

two-to-three month period. The student and attorney will write approximately four letters apiece, discussing both their lives and interests as well as discussing the portion of the novel that was read that week. By the end of the program, the student and attorney will have developed a mentoring relationship and will have the chance to meet at an informal gathering celebrating the project.

The first letters will go out in mid-February. To participate, you must be able to attend one

of two program-end parties on Thursday, May 9 from 8:45-9:30 a.m. and Friday, May 10 from 9:45-10:30 a.m. at Parkrose High School. Yes, a top requirement is that you relax and attend a party.

An orientation meeting for volunteers will be held at 5:30 p.m. on Wednesday, January 23 at the Standard Insurance Center, 900 SW 5th Ave. Attendance at the orientation is not mandatory, but is strongly encouraged.

To sign up for the program contact Kathy Modie at the MBA at kathy@mbabar.org or 503.222.3275. If you have any questions, contact Mary Tollefson at mary@kramer-associates.com or 503.243.2733.

Are you looking for a great way to help our local students?

The YOUTHFILM Project needs YOU to mentor student filmmakers!

The YOUTHFILM Project allows elementary, middle school, and high school students from all over Oregon and SW Washington to show off their creativity, knowledge, and skills by producing short films on a chosen civics' theme. The films are screened as part of the MBA Community Law Week celebration. This year's theme is "Realizing the Dream: Equality for All."

The YOUTHFILM Project Mentorship Program envisions an opportunity for civically-minded students to learn about the law from an attorney. As a mentor, you will be matched with a group of student filmmakers to teach the students on the law relevant to this year's theme, help the filmmakers develop

ideas for their film, and assist with planning and organization. Technical filmmaking ability is not required.

If you would like to volunteer your time as a mentor this

year, please contact us at info@theyouthfilmproject.org. This is a great opportunity to get involved and help encourage students to care about civics' issues. For more information, please visit www.the youthfilmproject.org.

On May 2 at 6 p.m., the YOUTHFILM Project will host its 7th annual film screening event at the Hollywood Theatre, with special guest Chief Justice Thomas Balmer of the Oregon Supreme Court.

The Young Lawyer Horoscope -January-

The first month of 2013 looks promising for you. You are on the right path regarding your personal and professional goals. Stick with your goals as they will pay off. Get a jump on office relationships by going to lunch and other events with your peers, and asking for mentoring advice from a partner you look up to. Get involved with something that really interests you, as your passion for a particular cause will keep you energized all year long to stay involved and make a difference. As the month comes to a close, focus on your work product. Your talents are ready to shine!

The Road Less Traveled

by Tanya Hanson



A long time ago, in what now seems like a faraway parallel universe, I was an unhappy lawyer. I enjoyed research and writing, for the most part, but not much else. At the time, I could identify things I didn't like about the practice of law (billable hours, demanding clients, etc.), but I couldn't articulate the true source of my discontent. I knew I couldn't continue on that path indefinitely, but I didn't see a way out.

After four years, I took a three-month leave of absence that was really just a way to ease out of private practice. As someone who had declared her intention to be a lawyer in seventh grade and never seriously considered doing anything else, I was totally disoriented to find myself without this comfortable professional label. For a while I was quite lost. I did a bit of contract legal work and some other things to pay the bills, but I had absolutely no idea what I wanted to do - or who I wanted to be - next.

It took time to get to know myself again, explore the possibilities, and imagine a future outside the legal profession. As part of my process of self-discovery, I took a yearlong sabbatical and went to live in Spain - teaching a bit of English but mostly studying Spanish, traveling, and taking a break from the pressures of work. The hiatus provided me with the breathing room I needed, and I returned home refreshed, clear about my next direction, and ready to work.

Through a friend, I learned about and was hired to fill a newly created position of associate editor at a Portland-based financial publishing firm. My business law background was one reason I was hired, as part of my job entailed writing business valuation case law summaries. My responsibilities expanded to include editing the books my employer wrote, and working

with New York publishers and juggling multiple book projects was exciting. I also took on some freelance editing and taught a few courses at a paralegal college.

Although grateful for the learning opportunity this job had provided, I realized that business valuation was not my final career destination. After three years in publishing, I made another transition to become the loss prevention attorney at the Professional Liability Fund (PLF), where I have worked for the last nine years and continue to serve Oregon lawyers through malpractice prevention publications and seminars.

Over the last few years, I have also become engaged in other professional pursuits. Back while I was struggling with my transition from the law, I looked for but didn't find the career guidance I sought in one book. After much vacillation, I ultimately committed myself to writing the book I felt was missing and still needed. Collaborating with a fellow lawyer, my co-author and I weathered the many ups and downs of the writing process and finally celebrated the book's publication in 2012.

In writing the book and reflecting on my own career path, I came to realize that I also wanted to have a more direct impact on lawyers' lives and careers. Becoming a life and career coach seemed like my next professional frontier. My coach training program was intense but rewarding and transformative. I believe that working with lawyers to help them discover their own career identities and find satisfying work will allow me to make a difference in their lives as well as my own.

Having been through several transitions, I see professional development differently now than when I first began my career many years ago. Here I offer some tips for finding long-term career satisfaction - from the 30,000-foot view:

1. Life is short. Although the days may seem to drag if you are not engaged in satisfying work, the years can pass quickly, leaving you with regrets over paths not taken. People who make job or career changes are often surprised to find themselves wondering why they waited so long.

2. Life is long. This may seem to contradict number one, but it's just a different way to view the arc of your life and career. Few of us may live to be 100, but many lawyers find they have time for several job and even career changes over the course of their working life. It may take you several transitions to get to where you ultimately want to be, so practice cultivating patience as you navigate through uncertain professional waters.

3. Fear of change is usually scarier than change itself. One antidote to fear is to work out the worst-case scenario and challenge yourself to come up with at least five possible solutions - on paper. Usually you will see that you have more options than you first thought. Enlist someone else to help brainstorm if you can't see your way out of a scenario. Another powerful tool to de-escalate fear is action. Choose a small step toward your goal that doesn't feel threatening or irreversible, and then another. Taking action interrupts inertia and builds momentum.

4. Figure out what really drives you. Wanting extrinsic rewards (money, prestige, recognition, etc.) for your work is understandable, but they won't get you any closer to a genuinely satisfying career. Career satisfaction is powered by intrinsic rewards. What is the *experience* you want to have as a regular, ongoing part of your work?

5. You are the CEO of You, Inc. You may have one or several mentors, but you and you alone are responsible for your career path. Most of us have regular check-ups with our doctor, dentist, and accountant, but we put our own professional lives on autopilot. Goals and priorities change, careers get off track, and life deals us the unexpected. Invest in the professional enterprise that is you and commit to taking regular stock of what is working and what isn't.

Ms. Hanson is the co-author of *The New What Can You Do with a Law Degree?* (Lawyer Avenue Press, Decision Books, Seattle: 2012) (available on Amazon.com). You can read more about her work at www.alchemycareercoaching.com. She can be reached at info@alchemycareercoaching.com.

Alan Galloway YLS Pro Bono Spotlight



It is no secret that Portland has a distressingly large homeless youth population. Outside In is a Portland-based, nonprofit organization which focuses primarily on addressing the homeless youth problem. Alan Galloway manages the Outside In legal clinic.

"The clinic's goal, especially with homeless youth, is to keep them from ending up in the adult homeless population," says Alan. "The extent to which we can do that, whether it's through basic advice like how to make a court date or expunge something from a record, or providing help with housing or discrimination or employment, is very satisfying. I feel like we can help people get a new start and get pointed in the right direction."

The clinic was founded several years ago by attorneys at the firm of Davis Wright Tremaine (DWT). Alan, an associate with DWT, has managed the Outside In legal clinic for the past two years. His involvement with the clinic dates back to 2008, when he joined the firm. Alan's role as clinic manager allows him to work closely with DWT's new associates, for whom the clinic provides valuable experience.

"We try to make sure that our newer, younger associates have a chance to participate and, to the extent that we can control it, have a good experience," imparts Galloway. "This includes making sure they have the resources that they need. We have a fairly thick handbook with referrals and forms for issues that come up. Someone who's a first-year attorney can utilize these resources and then also come and ask us about something."

In addition to his work with Outside In, Alan has logged

considerable pro bono hours on a number of high profile cases. This has been made possible by DWT, which has implemented a system which rewards attorneys for giving back to their community.

"Davis Wright Tremaine really encourages associates to do pro bono work," reveals Galloway. "We have a goal of 8% of our budget, so you can do up to 144 pro bono hours a year and get billable credit for it. It has been really great for me because I've had opportunities to do not only the legal clinic, but also a number of cases and consultations for the ACLU."

Alan has a support system within his firm that enables him to take on new challenges and explore different areas of law. He recommends that new attorneys work on developing their own support systems.

"My advice would be to find people that are more experienced, who are already doing the work you want to do, and establishing connections with them so you don't have to strike out on your own with no guidance," recommends Galloway. "I think it is really important, even if you're doing volunteer or pro bono work, to have someone to answer your questions. You will get into situations where you don't know what to do and it is really valuable to have a person you can check in with. I do think that pro bono and volunteer work is a great way to get experience generally, whether an attorney is looking for work or if they have a job but just want to get more experience in a particular area. I had my first opening and closing statement, my first cross examination, my first summary judgment, all through pro bono cases."

Attorneys interested in participating with the Outside In program can contact Alan directly via email at AlanGalloway@dwt.com.

"We're always looking for people who might bring something new to the clinic," says Alan, "especially if they have experience in an area of law which might be helpful to a client's case."

Community Service Days

The YLS Service to the Public Committee has planned two Community Service Days in January.

YLS Community Service Day with the Blanchet House

You are invited to volunteer to serve dinner at the Blanchet House on Saturday, January 5 from 4:30-6:30 p.m. Volunteers are welcome to stay and have dinner afterward. The Blanchet House, located at 310 NW Glisan, has provided important resources to Portland individuals in need since 1952. To sign up or for more information, contact

Lauren Cullop at 503.224.3031 or laurencullop@juliekrullpc.com.

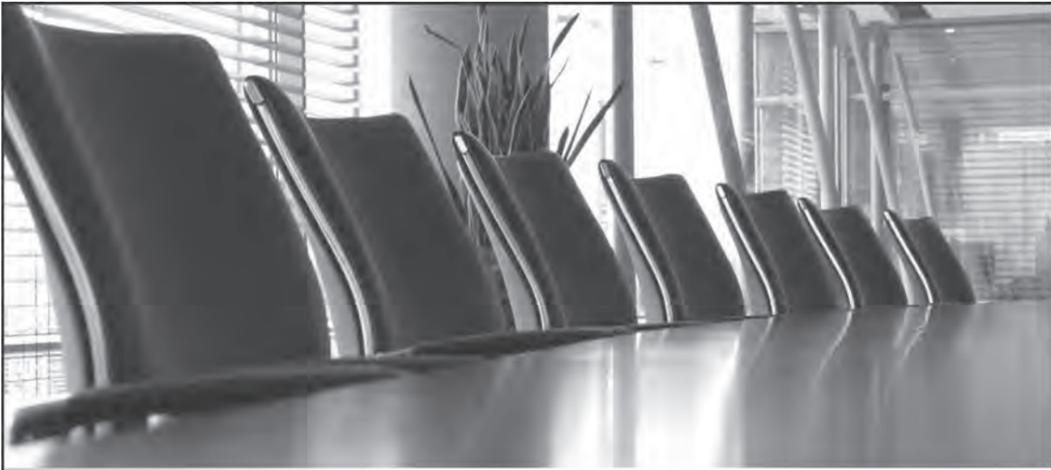
YLS Community Service Day with the Oregon Food Bank

Help us fight hunger at the Oregon Food Bank (7900 NE 33rd Dr., Portland) on Thursday, January 31 from 6-8:30 p.m. We will organize and package food donations for people in need throughout Oregon. Friends, family, and children over the age of 16 are welcome to join us. To sign up or for more information, contact Alison Brown at abrown@carrbutterfield.com.

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Sign the 2013 Pro Bono Pledge and commit to taking at least one pro bono case this year.
<http://mbabar.org/AboutUs/ProBono.html>.





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Nick is a trial lawyer who specializes in defending product liability, legal malpractice, and railroad injury and employment disputes.

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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.

Pro Bono Oregon Listserv

Receive a weekly summary of available pro bono volunteer opportunities in your email inbox every Thursday. Listings include the type of case and a brief description of the issue and do not include highly identifying facts or party names. Sign up by sending an email to probonooregon-subscribe@mail.lawhelp.org.

Update Your Directory Listing on the MBA Website

The MBA website includes an expanded online Membership Directory and members may now update their photos, include a bio, add links to social networking sites and update practice area information online. To update your listing, login to the Members Center where you may use the

email address currently on file in the MBA Directory as your user name. If you do not know your password, you may click on the "forgot password" link to have it emailed to you.

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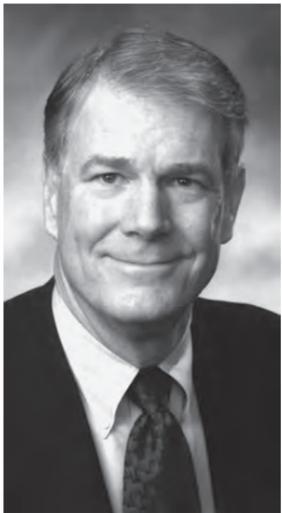
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MBF Civic Education Videos are Online

Voting 101, the newest release in the civic education video series, is aimed at middle and high school students and new voters and focuses on how to register and why it's important to vote. It is now available on the MBF website and on YouTube, along with the prize-winning Courthouse and Court System videos.

Links to the videos have been sent to local specialty bar- and civic-related organizations. The videos are also shown on Comcast channels 11 and 21 and Frontier channel 32, part of MetroEast Community Media's cable access programming.



The final videos in the series, Civic Engagement and Civil Discourse, are in production and will be released this year.

To view the videos, visit the Foundation News page at mbabar.org/Foundation.

Have You Renewed for 2013?

If you have yet to renew your MBA membership for 2013, please take a few minutes to renew online at www.mbabar.org.

Here are a few reasons to continue your membership:

- **For lawyers, by lawyers:** The MBA's volunteer-driven structure ensures our programs and services are of the highest relevance to local attorneys.
 - **Get involved, on your terms:** Opportunities abound to network and socialize with your peers - serve on a committee, participate in a volunteer outing, or join us for an after-hours social event.
 - **MCLE content, when you want it:** Whether you prefer to ask questions in person at a seminar, attend via Webcast or download to your smartphone, the MBA offers the CLE programming you want, anytime, at a significant discount to members.
 - **Stay informed, get connected:** The *Multnomah Lawyer* monthly publication, MBA ENEWS and website keep you up-to-date with news, events and a customizable online profile for members.
 - **Comprehensive member benefits:** Membership provides access to group insurance and a range of discounted business services so you can focus on practicing law.
- If you would like more information about the benefits of MBA membership, please call 503.222.3275 or visit www.mbabar.org. We look forward to serving you in the New Year.

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I'm Clearly Not in Los Angeles Any More...

by Alison M. Pear
YLS Membership Committee



In late November, I had the pleasure of attending the MBA New Admittee Reception as a new Oregon lawyer. Following Los Angeles custom of being fashionably late, I showed up about a half hour after the start time, expecting to be one of the first people to arrive. Unfortunately, when I finally scuttled in, the event was in full swing and the speeches about half done. Mercifully, there were a few shrimp left. I added the event to the list of how things are different since moving from Los Angeles to Portland: Events start on time....

Since arriving in Portland about six months ago after nine years in Los Angeles (six years of legal practice and three years of law school), I've noticed a lot of differences between the two cities. Some were expected (like the rain); some were unexpected (like Beaver and Duck fandom). After consulting with several fellow former California residents, I have the following outsider observations about Portland lawyers:

- Whenever I ask another Portland transplant what is most notable about the

Portland legal community, the answer almost universally is that Portland lawyers are very collegial. This is a drastic contrast to Los Angeles, where one of my friends was once told by opposing counsel that she was "shrill and overbearing." Portland lawyers, and Portland residents in general, seem to have silently agreed to treat each other the way they want to be treated, whether that means not being overly combative as an attorney or not cutting people off in traffic. In a small community where you are likely to run into each other on multiple occasions, it makes sense to not alienate others, and the quickest way to alienate people in Portland seems to be to violate the pact of collegiality.

- The Portland bar is small, at least compared to Los Angeles. Within a few months, I think I had met someone from just about every big firm in town, and a lot of the smaller ones. After attending three local networking events, I'm confident at the next event, I will run into someone I've already met. While there are many benefits to having a tight-knit community, when I started looking for a job in Portland, it was disconcerting to find that instead of the dozens of headhunters making mass cold calls in Los Angeles, there are only a couple of recruiters in the whole Portland area.

- Attorneys in Portland generally seem to have less of a constant sense of urgency than in Los Angeles, and Portland lawyers have the remarkable ability to put down their mobile devices. In Portland, I have been to numerous meetings, coffees, and lunches with attorneys spanning a wide range of seniority levels, but almost universally, no one has checked their mobile device during the meetings. In Los Angeles, buzzing smart phones are constantly within visual range, even for non-lawyers, and constantly being checked, even if the message is usually spam.
- Portland attorneys, like most Portland residents, are usually passionate about hobbies or interests. Conversations in Portland are just as likely to revolve around a favorite hiking spot as a profession-related subject (though oddly, traffic is a frequent conversation topic in both Los Angeles and Portland). Furthermore, everyone I have met is involved, and active, in some kind of organization that they seem to genuinely want to participate in. In my short time working with the MBA, I have been flabbergasted at the number of people that not only show up to meetings, but seem happy to be there, and don't seem to feel the need to sneak out early (and as previously stated, don't show up late).
- Attorneys in Portland dress relatively formally, as opposed to Los Angeles, where one of my co-workers was completely convinced that gym shoes were appropriate business attire.

This formality though doesn't seem to carry over into other aspects of legal practice - most attorneys seem to keep interpersonal relationships casual, without strict power dynamics or hierarchies. I'd personally like to thank the surprising number of local attorneys, from associates to managing partners, who have opened their doors to informally meet.

So while I am relatively new in town, thanks to the friendly, warm group of lawyers who make up the Oregon bar, I feel like I am well on my way to becoming a local. By the time this is published, I will have even started as an associate at Kell, Alterman & Runstein, one of the oldest law firms in town. That being said, I am still eager to meet as many Portland lawyers as possible, so if you see me at a local event, feel free to say "hi." You'll be able to recognize me as the one who snuck in fashionably late.

OWLS Foundation Interview Questions

The OWLS (OWLS) Foundation current president, Jill Brittle, answered questions on the foundation's mission, grants and upcoming auction. Jill joined the foundation board in 2008.

What is the OWLS Foundation's mission?

Our mission is to educate and support women and minorities in accessing and participating in the justice system. To accomplish our mission, the foundation raises funds and makes grants, which support organizations dedicated to and projects designed to give women and minorities greater access to and a better understanding of the justice system.

Can you tell me more about the OWLS Foundation grants?

The OWLS Foundation has a proud history of making grants to people and organizations committed to providing greater access to the justice system for women and minorities. One grant the foundation is proud of is the **Vernellia R. Randall Bar Exam Grant**, which provides selected applicants with the \$625 fee required to register to sit for the OSB exam. The Vernellia Randle Bar Exam Grant is available to single custodial parents with children under the age of 18. The foundation will award up to six grants a year.

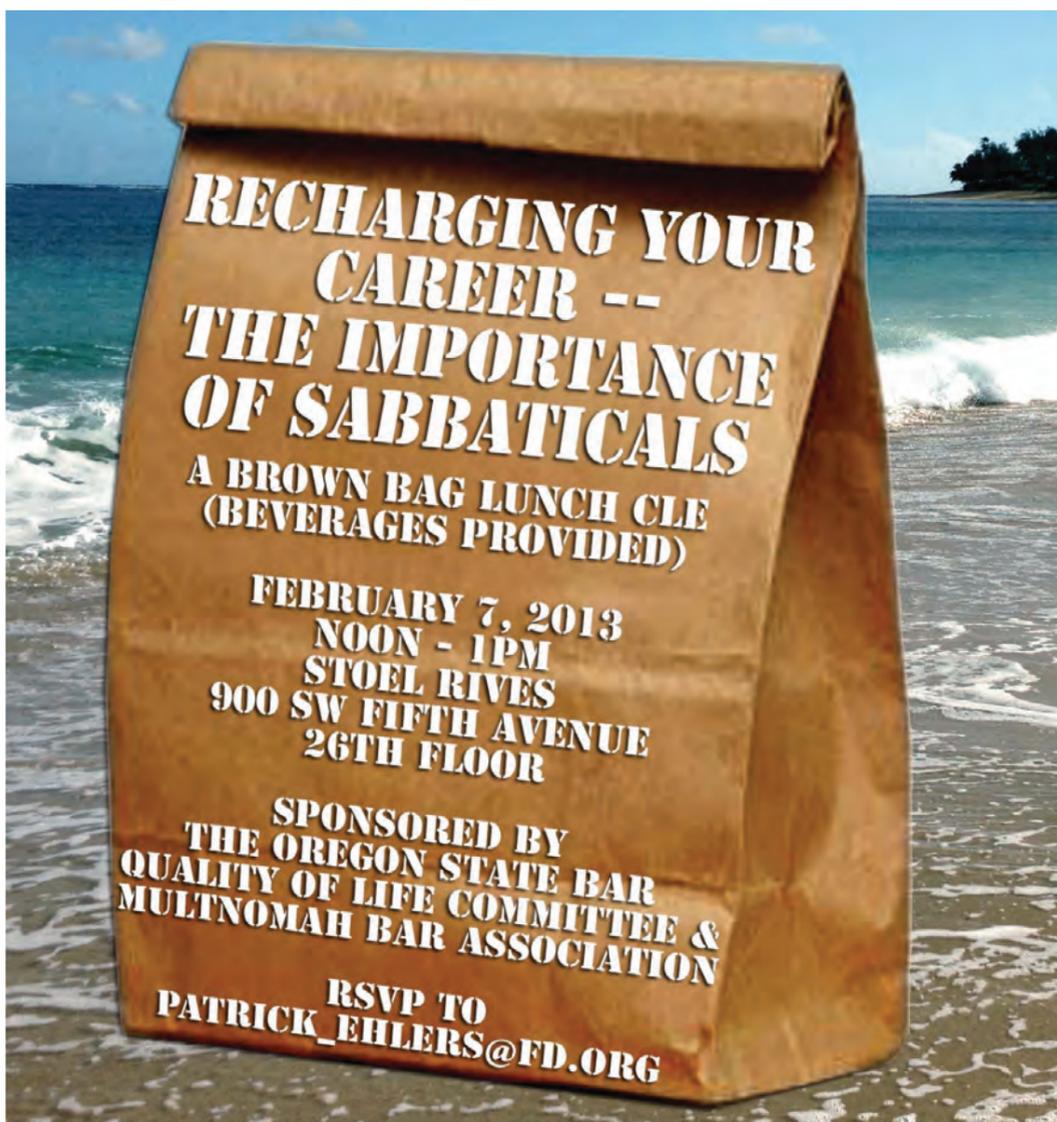
On March 8, the Foundation will be holding its Annual Auction. Can you please tell us more about the auction?

Each year, the foundation board organizes and hosts an annual auction to raise funds for grant making and to build the Foundation's endowment. The auction will be held immediately prior to the OWLS Roberts-Deiz Awards Dinner on Friday, March 8 at The Nines Hotel. The auction will begin at 5 p.m. Tickets to the dinner can be purchased through OWLS. Attendance at the auction-only portion of the evening is free.

How can an MBA member become involved with auction?

An MBA member can volunteer to assist at the auction by donating an auction item or becoming an Auction Sponsor. The foundation has four levels of sponsorship available: Bronze (\$50-250), Silver (\$251-500), Gold (\$501-1,499), and Platinum (\$1,500 plus). Additional information on the sponsorship levels can be found at www.owlsfoundation.org

MBA members can also volunteer to work at the auction or volunteer to help pick up auction items. Anyone interested in volunteering can contact Robin Jerke, auction coordinator at 503.680.0194 or robin@owlsfoundation.org.



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MBA Announces its 2013 MBA Sponsorship Opportunities
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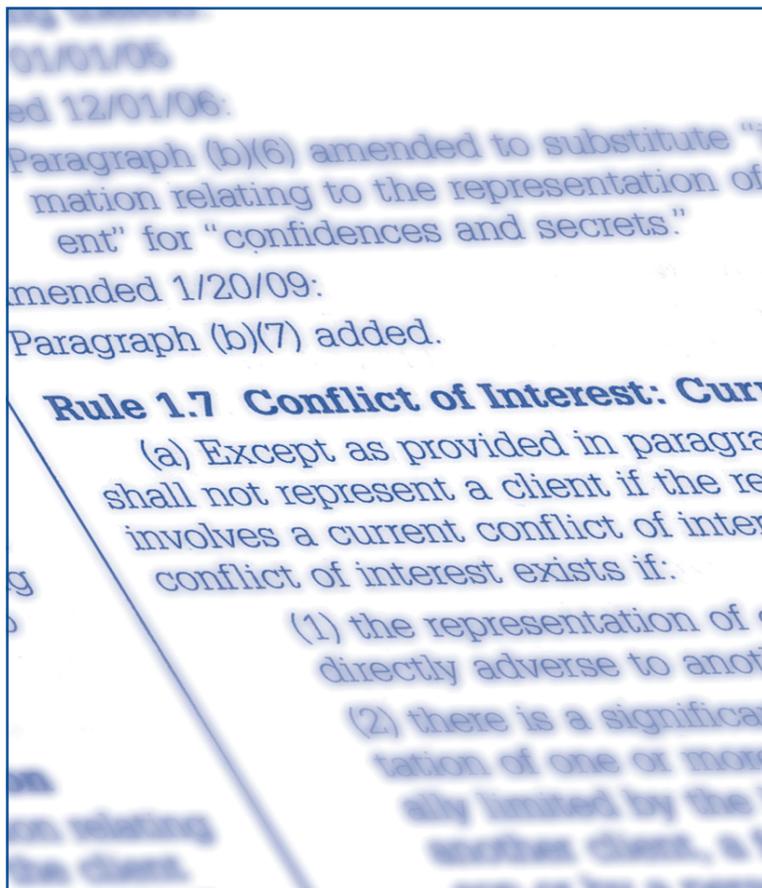
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Carla began her legal career at Miller Nash and she'll once again make a great addition to our team, working with clients in our business and regulatory practice.



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Multnomah Bar Foundation

MBF Elects Officers

by Pamela B. Hubbs
Office and Foundation Administrator

The MBF Board has elected **Hon. Julie E. Frantz**, Multnomah County Circuit Court, President; **Timothy R. Volpert**, Davis Wright Tremaine, Vice President; and **Thomas W. Brown**, Cosgrave Vergeer Kester, Secretary/Treasurer.

We asked our new officers to share their thoughts on the impact of the MBF in advancing civic education in the community.

“Through grants annually awarded to a diverse group of community organizations, the

Multnomah Bar Foundation increases the public’s understanding of the legal system, promotes civic education, and encourages participation in programs that ‘teach by doing’ the importance of the rule of law in everyday life. Contributions from members of the legal community have provided support to the Classroom Law Project and the Civic Education videos, both of which last year received national honors, to a program which assists an immigrant’s

understanding of the process to become a citizen, and to CourtCare which provides a safe and positive environment for children while parents are in court. I am very honored to chair this vital foundation, which relies solely upon the collective generosity of our legal community, in the coming year.” **Judge Julie Frantz**



Hon. Julie E. Frantz

“By choosing to support civics education, the Multnomah Bar Foundation is fostering one of the core duties of members of our profession – to improve the legal and governmental systems by teaching people how those systems work and showing them that civic involvement is

a meaningful way to contribute to their communities. I look forward to continuing my work on the MBF Board to expand the reach of civics education programs to a more diverse audience throughout Multnomah County and beyond.” **Tim Volpert**



Timothy R. Volpert

“Through over a decade of involvement with the Classroom Law Project (CLP), I have seen the many ways that civics education benefits young people. The MBF provides civics education program financial support to not only organizations like CLP that focus on students, but to organizations that focus on adults, too. Through grants

to organizations helping to raise awareness of our court system, civic involvement and voting, MBF is playing a vital role in promoting active and involved citizens of all ages in Oregon. I’m excited and honored to be a part of MBF’s important work.” **Thom Brown**



Thomas W. Brown

To learn more about the MBF and its mission, visit mbabar.org/ foundation or contact Pamela Hubbs, pamela@mbabar.org.

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