



Judicial Funding The Glass is Half Full

by Richard Vangelisti
MBA President

In the words of our Presiding Judge Nan Waller, "Strong courts are essential for strong communities." From her

viewpoint, "our courts provide a forum for citizens to resolve disputes with each other and their government in a civil manner." Courts are essential to upholding the rule of law and to providing a forum for peaceful resolution of disputes.

On a daily basis we witness in real time other countries in which disputes are aired in the streets. Substantive and procedural rules exist on paper only, and disputes are resolved through corruption or violence. In those places, "justice" is the result of the struggle between rich-and-poor and between strong-and-weak. The outcomes of course are often predetermined by those with wealth or power.

Strong courts are essential for strong communities.

These outcomes in turn create societies with great disparities in wealth, low standards of living, violations of human rights, and social unrest. A primary cause of these social maladies - and in some cases decay of civilized society itself - is the lack of a strong and independent judicial branch.

Fortunately, our social ideal is "Equal Justice Under Law," which can be dated back to ancient Greece. Meaning is poured into this ideal when society charges its judicial branch to adhere to the ideal and fully funds the judicial branch. Full funding of the judicial branch is necessary to provide the court facilities and compensation to the judges and other professionals who operate the judicial system.

In Oregon, what was once called the "Oregon Judicial Department" is now the "Oregon Judicial Branch" thanks to the voter's approval of Measure 78 (2011 HJR 44) in the November 2012 election. The Oregon Judicial Branch is made up of the Judicial Department, Public Defense Services Commission, and the Commission on Judicial Fitness and Disability. Now with the rationale and a bit of civics in mind, I'll focus on funding.

Looking back on the Oregon Legislative session ending in July 2013, Chief Justice Tom Balmer explains, "The legislature made some important restorations, but we still have a long way to go before we have an adequately funded court system." Chief Justice Balmer and Presiding Judge Waller have worked tirelessly with the Oregon Legislature on the budget for the Oregon Judicial Branch. The bar is grateful for their ongoing efforts.

In the last session, the Oregon Judicial Branch received funding for the current biennium (July 2013 to end of June 2015) to provide that the courts will be open every business day without any further staff furloughs.

The legislature also provided the funding to continue rolling out the electronic internal case management system (Odyssey) to 11 more circuit courts. Multnomah County goes live with Odyssey in May 2014. The legislature also funded the new panel for the Oregon Court of Appeals, which had been established in 2012.

The state also will help counties fund badly needed renovations or replacements for unsafe and seriously deficient courthouses. The state approved \$15 million in bonds to provide its share. Multnomah County has already hired a Senior Project Manager (JD Deschamps) to lead the project, which is currently focused on courthouse design and land acquisition. We will break ground in 2015.

"The Oregon Legislature increased judicial compensation in 2013, but we still need a regular and objective process so we can recruit and retain a bench that has a wide range of legal experience," according to Chief Justice Balmer. Even with the incremental increase in the coming years, the National Center for State Courts study earlier this year would still rank Oregon in the bottom half of states below the national average.

In the last session, the Oregon Judicial Branch did not receive sufficient funding for staff to ensure that courts meet statewide benchmarks: three days to enter a judgment, courthouse open seven hours per day, and recall arrest warrants within 24 hours. The courts are hit and miss in the foregoing areas. Every circuit court has had to make its own decisions how best to "rob Peter to pay Paul."

The Oregon Judicial Branch handles approximately 50 million pieces of paper a year. In Multnomah County on average, 1,681 people per day come into the downtown courthouse for service, 614 to the Justice Center, 204 to the Juvenile Justice Center, and 191 to the East County Courthouse. Staffing makes up about 90% of the budget. With lower staff, efficiency decreases and errors increase. This in turn causes delay, added costs to business and the public, and stress on the justice system.

One example in the family law area has been the loss of statewide pro se facilitators. These facilitators would assist pro se litigants with paperwork. But, now that significant numbers have been lost to budget cuts, the burden has shifted to judges.

Specifically in Multnomah County, Presiding Judge Waller plainly notes, "the courts are not receiving enough money to fund operations." The inadequate funding for the circuit court has caused delays in entry of judgments, limited file room hours and telephone hours to handle the 3,650 calls per day, and delay in updating the court files and dockets. The problems have been compounded because the judicial assistants have had to become "data review experts" to ensure that data has been transferred properly from OJIN to the new Odyssey system. OJIN will be turned off soon, and Odyssey will become the official record of the court.

The Oregon Legislature will be in session in February 2014. The legislature has withheld 2% across the entire budget, which translates to about \$5 million for the Oregon Judicial Branch for all 36 circuit courts. The legislature may release those funds, but this action will depend in part on the outcome of the economic forecast in December. Concern exists that the 2% may be "repurposed," which could be a loss of \$1 million for Multnomah County.

On a statewide basis, 50 staff positions have been held open. The release of the 2% or \$5 million would be necessary to bring those positions back.

Another important issue for the legislature in February is whether it will authorize continuation of the current increase in statutory filing fees, which became effective on October 1. Without legislative action, the court will have to move towards transaction fees for electronic filing and service.

The MBA's Court Funding Committee is dedicated to keeping the focus on adequate judicial funding. We have budgeted funds to create informational videos about the important functions of the court. We also stand ready to assist the Oregon Judicial Branch and the Multnomah County Circuit Court with the ongoing efforts to restore adequate funding.

On November 14, the Multnomah County Circuit Court and MBA will host its annual breakfast for legislators and community leaders. This event facilitates a dialogue about the needs of the circuit court and the needs of the public that it serves. We appreciate the hard work of our local lawyer-legislators who were instrumental in the last legislative session: Brent Barton, Shemia Fagan, Chris Garrett, and Jennifer Williamson.

In sum, the current budget is good but very tight. We are grateful for what the Oregon Legislature provided to the Oregon Judicial Branch. The proverbial glass is still half empty, however, and Oregon citizens and businesses deserve nothing less than a fully funded judicial system to serve their legal needs.

I want to express my sincere appreciation to Doug Bray and Phil Lemman for their assistance with this column. Doug Bray is the Trial Court Administrator for Multnomah County, and Phil Lemman is the Legislative Communications Manager for the Oregon Judicial Department. We also appreciate their phenomenal contributions to our Oregon courts.

...we still have a long way to go before we have an adequately funded court system.

mba|CLE

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

NOVEMBER

11.13 Wednesday
Child Abuse Reporting
Amber Hollister

DECEMBER

12.10 Tuesday
What's New in Lawyer Regulation, in Oregon and Beyond
John Gleason
David Elkanich

12.12 Thursday
Is the Defense of Marriage Act (DOMA) Dead?
U.S. vs. Windsor and Beyond
Judge Beth Allen
Beth Wolfsong

12.18 Wednesday
Sailing in the Sea of Change: the Affordable Care Act
Bruce Howell
D'Anne Gilmore
Michael Schopf

12.19 Thursday
Alternative Fee Arrangements
Marc Alifanz
Kieran Curley
Richard Oberdorfer
Dayna Underhill
David Wang

JANUARY

1.8 Wednesday
Effective Use of Time and Technology for Lawyers
Tom Howe

1.23 Thursday
Paid Sick Leave: A Healthy Understanding of Portland's New Ordinance
Amy Angel
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*or the preceding Friday, if on a weekend.

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2013 Battle of the Lawyer Bands a Great Success

The McMenamins Kennedy School gymnasium was rockin' on October 3 when six bands competed for the title of "Best Oregon Lawyer Band 2013."

autoRepublic - Rich Roberson, Kurt Tandan and Tim Glackin

Bunny Lebowski and the Nihilists - PK Runkles Pearson, Steve Galloway, Brad Dixon and Dennis Westlind

Folsom - John Knowles, Doug Jacques, Connie Gougler, Suzette Rodway, Christopher Woitach and Dan Schulte

Habeas Corpse - Tim DeJong, Tony Kullen, Houston Bolles and Maxwell Bolles

Hollowdog - Jon Martz, Rich Norkunas, Stuart Margolis, Scott Sobel and John McMeekan

Kadish-Snyder Band - Josh Kadish, Scott Snyder, Steve Mesulam, Brian Yablon and Rick Sloane

The judges and crowd enjoyed all the bands, and in the end the crowd's and judges' favorite was Habeas Corpse, which was named Best Oregon Lawyer Band 2013.

Thank you to Miller Nash LLP, Schwabe Williamson & Wyatt and Day & Koch LLP for sponsoring the event.

And thank you to everyone who attended and helped raise over \$1,000 for the Multnomah Bar Foundation Civic Education Fund.



Habeas Corpse band members pictured with Battle of the Lawyer Bands M.C. Kellie Johnson

Introducing Lissa Kaufman

Lissa Kaufman was appointed to the MBA Board to replace Steve Shropshire, who resigned to take a post with his firm in Bend, Oregon.

Lissa is the Director of Portland State University Student Legal Services. Her practice areas there are wide-ranging, and include criminal, family, landlord/tenant, consumer, bankruptcy, civil rights and administrative law.

She has served the MBA as the Equality & Diversity Committee's Pipeline co-chair. She has served the legal community as a pro bono attorney for children in both Multnomah and Washington Counties and has served on the Oregon Pro Bono Celebration Committee. She also has participated in the Multnomah County Family Law



Lissa Kaufman

Executive Committee and the OSB Executive Committee, for juvenile and consumer law. She is a Winterhaven School PTSA volunteer.

Lissa graduated from the University of Washington School of Law in 1996 and was admitted to the OSB in 1997.

The MBA welcomes Lissa to the Board of Directors.

Calendar

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

NOVEMBER

11.2 Saturday

BOWLIO

Visit osbar.org for details

11.4 Monday

SAVO Dinner & Whiskey

Tasting

Visit mbabar.org for details

11.6 Wednesday

YLS New Admittee Social

See p. 13 for details

11.7 Thursday

US DC Historical Society

Annual Dinner

Visit usdchs.org for details

11.8 Friday

City Club & MBF Present Civic

Awards

Visit pdxcityclub.org/civic-awards-nancy-golden for details

11.12 Tuesday

YLS Networking Lunch

See p. 12 for details

11.14 Thursday

East County Courthouse

Meeting

See Announcements on p. 6

for details

11.15 Friday

MBA Judicial Brown Bag

Visit mbabar.org for details

11.16 Saturday

YLS Community Service Day

See p. 6 for details

11.19 Tuesday

Bench Bar & Bagels

Visit mbabar.org for details

11.28-29 Thursday-Friday

Thanksgiving Holiday

DECEMBER

12.5 Thursday

OMLA Annual Meeting

Visit oregonminoritylawyer.org for details

12.10 Tuesday

Queen's Bench Holiday

Luncheon

Visit owlsqueensbench.org/holiday-luncheon.html for details

12.25 Wednesday

Christmas Holiday

mba | EVENT

Bench Bar and Bagels

Tuesday, November 19

Tonkon Torp

888 SW Fifth Avenue, Suite 1600

Portland

7:30-8:30 a.m.

The MBA hosts the fifth annual "Bench Bar and Bagels." Please join your colleagues and members of the judiciary for a light breakfast and coffee. This event is offered at no cost to MBA members and judges. Non-members: \$10.

Special thanks to our sponsor and host:



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Please RSVP to Kathy Modie,
kathy@mbabar.org.



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.

Child Abuse Reporting

Wednesday, November 13, 2013
12:00-1:00 p.m.

World Trade Center
Auditorium
26 SW Salmon, Portland

Members \$35
Non-members \$55

Note: This class will be worth one hour of child abuse reporting credit.

The MBA presents its annual seminar on child abuse reporting requirements. This program is intended to help lawyers meet their legal responsibilities as mandatory reporters, while maintaining their ethical obligations to clients. Questions to be addressed include the following:

- What are the reporting requirements?
- How do I recognize reportable child abuse?
- What is it that I'm really supposed to do?
- What happens if I make a report of abuse?
- What happens if I don't report when I should have?

Amber Hollister, Deputy General Counsel of the OSB, will present a lively and practical discussion of the issues.

For more information:

Call the MBA at 503.222.3275.

What's New in Lawyer Regulation, in Oregon and Beyond

Tuesday, December 10, 2013
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Note: This class will be worth two hours of ethics credit.

Rapid changes in technology, changing demands of clients, the disappearance of borders and globalization of the practice of law, are all trends that have spurred the reexamination and further evolution of the rules relating to lawyer conduct and admission.

Join **John Gleason**, Oregon State Bar Disciplinary Counsel and Director of Regulatory Services, and **David Elkanich**, partner at Hinshaw & Culbertson LLP, for a lively and frank discussion of their perspectives on the meaning and impact of recent changes to the Oregon Rules of Professional Conduct, recent Oregon disciplinary cases and formal ethics opinions of note, as well as national and global trends and developments in the area of lawyer admission and regulation.

For more information:

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

Is the Defense of Marriage Act (DOMA) Dead? U.S. vs. Windsor and Beyond

Thursday, December 12, 2013
3:00-5:00 p.m.

World Trade Center
Plaza Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

In *U.S. v. Windsor*, the United States Supreme Court held Section 3 of the Defense of Marriage Act (DOMA), unconstitutional under the Due Process Clause of the Fifth Amendment thereby giving married same-sex couples federal recognition. Multnomah County Circuit Court **Judge Beth Allen** and Portland Estate Planning attorney **Beth Wolfsong** will present a two-hour CLE addressing the implications of this landmark case, the federal executive response post-Windsor, and what this means for Oregon lawyers who practice in state and federal courts especially in the areas of family law, estate planning, civil rights, federal benefits, and/or taxation.

For more information:

Call Michael Hallas, McKinley Irvin at 503.953.1032. For registration questions, call the MBA at 503.222.3275.

Sailing in the Sea of Change: The Affordable Care Act

Wednesday, December 18, 2013
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Join veteran health care practitioner **Bruce Howell**, Schwabe Williamson & Wyatt, **D'Anne Gilmore**, from the Oregon Insurance Division and **Michael Schopf**, from Cover Oregon for their informed perspectives on anticipated implementation, use and enforcement of the new health care legislation. Learn what to expect for your clients and practice as we move into this new era of health care law.

For more information:

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

Alternative Fee Arrangements

Thursday, December 19, 2013
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Are you wondering how contingent, flat, and everything-in-between alternative fee arrangements (AFAs) could fit your practice? Hear from in-house and outside civil counsel, an ethics expert, and a criminal practitioner about how to price and document your AFA. Our speakers are **David Wang**, in-house counsel, Vestas Wind Systems, **Marc Alifanz**, in-house counsel, Knowledge Universe (Kindercare), **Dayna Underhill**, Partner, Hinshaw & Culbertson, **Kieran Curley**, Managing Partner, Miller Nash, and **Richard Oberdorfer**, Owner, Oberdorfer Law Firm LLC.

In this seminar, you will learn:

- Ethics traps to avoid with AFAs
- What in-house counsel are looking for in AFAs both transactional and litigation
- How to price AFAs in both simple and complex matters, and "expect the unexpected"
- How to make a contractual or statutory fee claim with an AFA in place

For more information:

Call Seth Row, Parsons Farnell & Grein at 503.222.1812. For registration questions, call the MBA at 503.222.3275.

Effective Use of Time and Technology for Lawyers

Wednesday, January 8, 2014
3:00-5:00 p.m.

World Trade Center
Plaza Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Successful lawyers manage their time and use technology effectively to reach their goals. Although efficiency is important, effectiveness is the key. Learn essential time management techniques to help you get more done and be a more effective lawyer. See how technology can increase your productivity. Work Smart, Not Hard. What we accomplish each day varies dramatically by individual. Learn new skills, tips and strategies to become a high performer. Included with the CLE are over 20 Microsoft Word and Excel documents.

A trial lawyer with a deep technical background, **Tom Howe** has over 25 years of experience in law and technology. He is one of the leading e-discovery lawyers in the country, providing legal/technology consulting and expert witness services to some of the largest law firms, corporate legal departments, and e-discovery vendors in the United States.

For more information:

Call Courtney Dippel, Folawn Alterman & Richardson at 503.546.4630. For registration questions, call the MBA at 503.222.3275.

CLE Class Registration on next page

Paid Sick Leave: A Healthy Understanding of Portland's New Ordinance

**Thursday, January 23, 2014
3:00-5:00 p.m.**

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Join City of Portland Attorney, **Catherine Riffe**, and employment lawyer, **Amy Angel**, a partner at Barran Liebman LLP, for a review of Portland's new mandatory sick leave ordinance and administrative rules, which go into effect on January 1, 2014, for all employees working within Portland city limits. Learn what is necessary to comply with this new legislation, including who is an eligible employee, the minimum accrual rate, notice and use requirements, as well as other rights and responsibilities of both employers and employees. This CLE will be beneficial for practitioners representing employers or employees, managing partners, and anyone responsible for administering leave.

For more information:

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

Multnomah County Presiding Court Update 2014

**Wednesday, January 29, 2014
3:00-5:00 p.m.**

World Trade Center
Auditorium
26 SW Salmon, Portland

Members \$55
Non-members \$85

In this update session the Multnomah County Presiding **Judge Nan Waller** and court staff will discuss the 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.

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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:

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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.

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12/10 What's New in Lawyer Regulation, in Oregon and Beyond

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12/12 Is the Defense of Marriage Act (DOMA) Dead?

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12/18 Sailing in the Sea of Change: The Affordable Care Act

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

12/19 Alternative Fee Arrangements

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1/8 Effective Use of Time and Technology for Lawyers

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1/23 Paid Sick Leave

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

1/29 Multnomah County Presiding Court Update 2014

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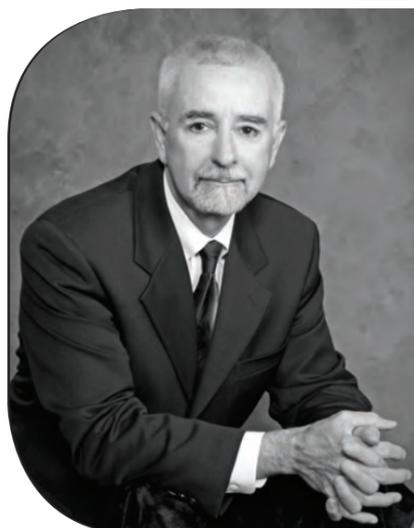
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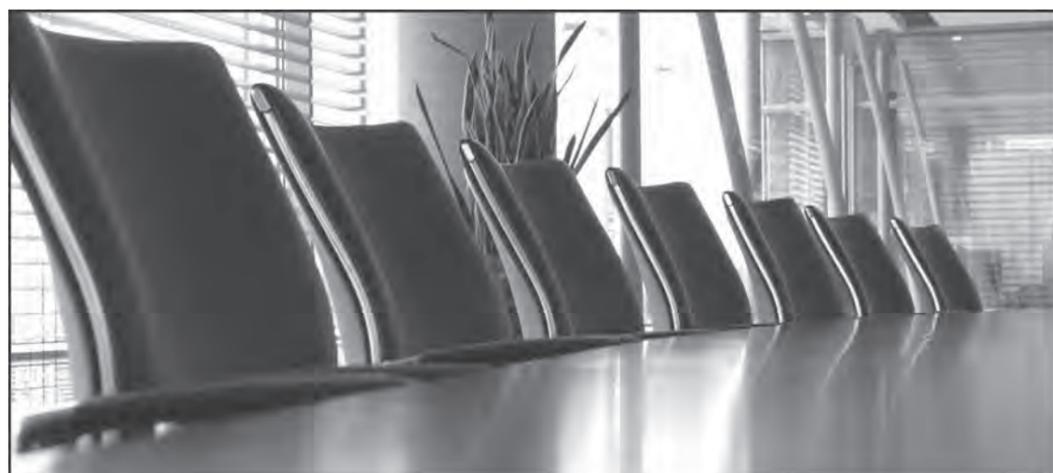
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East County Courthouse Invitation

The East County Courthouse has been open for over a year now. The facility includes three courtrooms, spaces for lawyers to meet with clients, parking and up-to-date technology. The court is ready to decide how it can best meet the needs of the East County community and bar. On Thursday, November 14 at 4 p.m., Presiding Judge Nan Waller and Judges Bushong, Frantz and McKnight invite you to the facility to provide feedback regarding the kinds of cases and services that the bar would like to see at the East County Courthouse, located at 18480 SE 182nd Ave.

Judicial Brown Bag - Noon, November 15

On Friday, November 15 at noon, bring your lunch and join Multnomah County judges at the downtown courthouse in Courtroom 208 for a discussion about the upcoming procedural and rules changes to accommodate eCourt implementation.

Commitment to Professionalism

The MBA professionalism statement is available for MBA members to order and display in their offices. The statement is printed on quality 11x14" parchment paper and is suitable for framing. Reconfirm your commitment to professionalism; order at: <http://mbabar.org/assets/documents/resources/freq-requested/profcertorder.pdf>.

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.

New Oregon Trial Lawyers Association Leaders

Martin Alvey was elected for the 2013-14 membership year. OTLA members also selected new officers; President-elect Shelley Russell, Secretary/Treasurer Neil Jackson, and Parliamentarian Tina Stupasky. Immediate Past President is Hala Gores. New board members include Ronn Elzinga and Jodie Phillips Polich. Returning board members include Dick Adams, Kelly Andersen, Robert Beatty-Walters, Paul Bovarnick, Kathryn Clarke, Diego Conde, Beth Creighton, Tom D'Amore, Sonya Fischer, Michael Greene, Neil Jackson, Derek Johnson, Lara Johnson, Myah Kehoe, Rob Kline, John McVea, Craig Nichols, Charese Rohny, Scott Shorr, David Sugerman, Tim Williams, Michael Wise and Greg Zeuthen.

Frohnmayr Award Recipients Named

The U of O School of Law will bestow the 2013 Frohnmayr Award for Public Service on Oregon Supreme Court Justice Martha Walters and long-time Legal Aid attorney John VanLandingham. The reception and award presentation will take place at 5:30 p.m. Friday, November 8, at the Embassy Suites Downtown Portland.

Each year, the Frohnmayr Award for Public Service recognizes a graduate, faculty member or friend of Oregon Law whose public service brings honor to the school.

Reservations for the 2013 Frohnmayr Award for Public Service currently are being accepted. Details and online registration are available at <http://law.uoregon.edu/alumni/lsaa/faps/>.

Oregon Law Students Public Interest Fund (OLSPIF) Annual Auction

Saturday, February 15, 2014, at the Eugene Country Club, 255 Country Club Rd, OLSPIF will hold its annual auction. The Silent Auction begins at 5:30 p.m., the Dessert Auction is at 6:30 p.m. and the Live Auction begins at 7 p.m. A full buffet dinner will be served, with a no-host bar. Sponsorship for a table of eight is \$600; for a table of 10 it is \$750 (for guaranteed seating). There is a \$50 entry fee (for open table seating). For information or to sponsor a table/register, contact Jane Steckbeck, jsteckbe@uoregon.edu or 541.346.3987.

OLSPIF is a student-run organization that raises money for summer stipends for Oregon Law students to work in otherwise unpaid public interest positions. OLSPIF-funded students assist juveniles aging out of foster care, migrant farm workers, domestic violence survivors, the elderly poor and others. 14 stipends were awarded last year.

mba yls | EVENT

YLS Community Service Day

Oregon Food Bank

Saturday, November 16

9-11:30 a.m.

Help us fight hunger and join the MBA Young Lawyers Section Service to the Public Committee at the Oregon Food Bank on Saturday, November 16 from 9-11:30 a.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 Sandon Duncan at sandon.duncan@klarquist.com.

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Ethics Focus

Is the Customer Always Right? The Intersection of Client Direction and Professional Judgment

by Mark J. Fucile
Fucile & Reising



We've all heard the saying from retail sales that "the customer is always right." Although lawyers need to provide good client service, too, our duties are not as one dimensional. Paragraph 1 to the Preamble to the ABA Model Rules of Professional Conduct neatly summarizes our multi-layered responsibilities: "A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice." In short, for lawyers, the client may not always be right.

Sometimes, we simply have disagreements with our clients over matters that might reasonably be approached in different ways. On other occasions, clients may want us to conduct a case in a way that crosses the boundary from "aggressive" to "harassment." Finally, in still other situations, clients may ask us to participate in fraud (or worse) in the course of a representation. In this column, we'll look at each: "the good"; "the bad"; and "the ugly."

...our duties are not ... one dimensional.

"The Good"

Although clients rely on their lawyers for professional advice, at the end of the day it is the client's case. The client, therefore, is entitled to make the key decisions affecting the case - even if the lawyer might disagree with those decisions. In some areas, this fundamental allocation is confirmed specifically, such as RPC 1.2(a),

which notes that "[a] lawyer shall abide by a client's decision whether to settle a matter." In others, the allocation is more general, which is also captured by RPC 1.2(a): "[A] lawyer shall abide by a client's decisions concerning the objectives of [the] representation[.]"

Especially when a client has chosen a course against the lawyer's advice, however, it is usually prudent to document that decision. With even the most honorable client, memories fade. With the less than honorable, the all too human tendency to blame others may overtake responsibility for a decision that turned out badly. The documentation does not need to be overly formal or off-putting. A short email acknowledging the client's direction will often suffice. The key benefit from the risk management perspective is the contemporaneous written documentation so that there is proof - later - about who made the decision that went sour.

...the all too human tendency to blame others may overtake responsibility for a decision....

"The Bad"

Clients sometimes view lawyers as gladiators from a bad movie. They may not like the other side and they want their lawyer to make life as miserable as possible for the opponent. That's where the notion of "officer of the legal system" quoted above from the ABA Model Rules comes in. Our job is to represent our clients effectively - but within the bounds of the law. OSB Formal Opinion 2005-59 uses the example of a client who wants to sue individual corporate officers even when there is no reasonable basis for doing so. In that circumstance, Opinion 2005-59 concludes that RPCs 3.1 (which addresses frivolous pleadings) and 4.4(a) (which deals with harassment) prohibit the lawyer from frivolously joining the

individual defendants. The consequences of violating the professional rules in this regard are not limited to regulatory discipline. In *Alexander v. Jesuits of Missouri Province*, 175 FRD 556 (D Kan 1997), for

The best time to educate a client about what lawyers can - and cannot - do is before you've ever agreed to take the case.

example, a lawyer served a non-party witness with a subpoena requiring an appearance on short notice for a deposition to begin at 8 a.m. in a city 60 miles away. In quashing the subpoena and sanctioning the lawyer, the court relied specifically on RPC 4.4(a).

The best time to educate a client about what lawyers can - and cannot - do is before you've ever agreed to take the case. If prospective clients tell you that they want a "scorched earth" approach and are not willing to listen to an explanation of your professional obligations as a lawyer, the simplest course may be to send them on their way. Even with clients who want an "aggressive" yet proper defense, it is usually best to inform them of the cost so they will not be upset when they get the first bill and profess surprise that your "shoe leather" is not free.

"The Ugly"

In some - usually rare - instances, clients suggest that their lawyer participate in what amounts to fraud or worse on the client's part. OSB Formal Opinion 2005-167 gives the example of a client who attempts to defraud a soon to be ex spouse by concealing assets during a mediation. Opinion 2005-167 focuses on the bedrock duty of lawyers under RPC 8.4(a) (3) not to engage in "conduct involving dishonesty, fraud, deceit or misrepresentation[.]" Even if the suggestion came from the client, the consequences of participating in fraudulent conduct will be borne by the lawyer. In *re Spencer*, 335 Or 71, 58 P3d 228 (2002), for example, involved a lawyer disciplined for assisting a California couple with falsely registering their motor home in Oregon.

OSB Formal Opinion 2005-34 provides succinct advice for lawyers in this situation: attempt to dissuade the client from engaging in the fraudulent conduct and withdraw if the client insists on proceeding.

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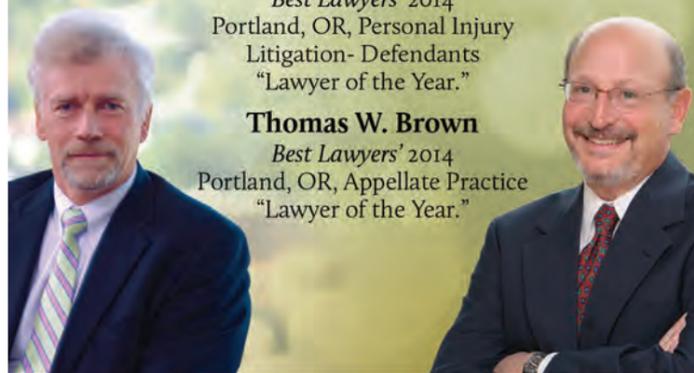
Congratulations David and Thom

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MBF Grantee Presents Awards City Club Celebrates Civics

With a grant from the Multnomah Bar Foundation, City Club of Portland has awarded two outstanding organizations the first City

Club Civic Awards and one extraordinary teacher the title of Civic Laureate. Momentum Alliance, Community 101 and Kendall Jensen, Roosevelt High

School will be honored at the November 8 Friday Forum. Tickets and more information may be found at pdxcityclub.org.

City Club of Portland

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Around the Bar



Amy Graveline

DASCENZO Intellectual Property Law

Amy Graveline has joined the firm as a patent and trademark attorney. Her practice focuses on patent and trademark procurement, as well as client counseling and opinion work.



Krista Evans

Jordan Ramis

Lawrence “Larry” Evans joined the firm as a shareholder. He specializes in meeting the needs of small to medium-sized business. Larry has more than 35 years of experience working with clients in a number of areas, including business and corporate law, mergers and acquisitions, and commercial real estate.

Krista Evans joined as an associate. She has experience on a range of business issues, including corporate compliance, employment agreements, business financing, contract review and drafting, mergers and acquisitions, entity formation, intellectual property, and strategic alliances. Krista also has experience in a number of real estate matters in the areas of commercial leasing, easements, purchases, sales, and real estate financing.



Darcy Norville

Tonkon Torp

Business attorney and firm partner **Darcy Norville** has been elected to the board of directors of the Oregon Business Association. She also serves on the MBA Board, is president of the YWCA Board and has long been involved in the Campaign for Equal Justice.

Norville’s practice includes general business and corporate law, with particular emphasis on executive compensation, ERISA and employee benefits. She is a member of the firm’s managing board and leads its diversity task force.



Courtney Dausz

Mersereau Shannon

Courtney Dausz has become a partner in the firm. Her practice focuses in the area of public finance.



Haley Bury

Martin Bischoff

Haley Bury has joined the firm as an associate.



Michael Greenlick

Michael Greenlick

Governor John Kitzhaber has appointed **Michael Greenlick** to fill the vacancy on the Multnomah County Circuit Court bench created by the appointment of Judge Michael McShane to the U.S. District Court for the District of Oregon. Thus, Judge Greenlick has closed his private practice of the last 18 years as a criminal defense lawyer in state and federal courts.



Lawrence Evans



Dylan Cernitz



Steven Zipper



John Christianson

Gevurtz Menashe

Dylan Cernitz has been named a shareholder of the firm.

Steven Zipper and **John Christianson** have joined the firm, where both will handle estate planning, trust and probate administration in Oregon and Washington.

As shareholder of the firm’s estate planning practice, Zipper will manage the practice and guide Oregon and Washington clients through all aspects of their planning needs from the planning phase through the probate process.



Wally Van Valkenburg

Stoel Rives

Portland office managing partner **Wally Van Valkenburg** has been elected to the board of directors for the Oregon Business Association. Van Valkenburg practices in the firm’s Technology & Intellectual Property group, where he focuses on transactions and business counseling.



Laysan Unger

Dunn Carney

Laysan Unger has joined the firm as a litigator, where her practice will focus on environmental, agricultural and insurance coverage litigation. As a member of a fifth generation cattle ranching family, Unger brings invaluable knowledge and personal understanding to the firm’s Environmental and Agricultural & Natural Resources practices.



Elizabeth Howard

Schwabe Williamson & Wyatt

Elizabeth Howard is a new shareholder. She will add to the firm’s Environmental & Natural Resources Practice.

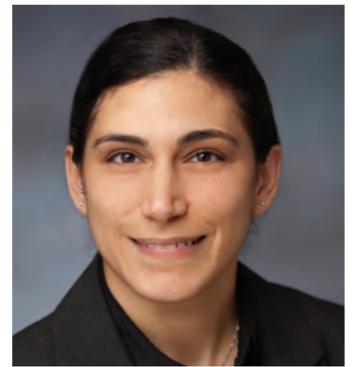
Howard focuses her practice on water, endangered species, natural resources, environmental, and administrative law. She represents clients involved in real estate and business transactions and litigation. Howard has substantial experience in cases involving federal and state agency decisions.



Walter McMonies

Lane Powell

Governor John A. Kitzhaber recently appointed shareholder **Walter McMonies** to serve a four-year term as the Multifamily Stakeholder Member on the Oregon Seismic Safety Policy Advisory Commission, which is dedicated to promoting earthquake awareness and preparedness through education, research and legislation.



Parna Mehrbani

As a committee member, McMonies will draw from his experience as a lawyer representing apartment owners, as an owner of several historic apartment buildings and as a member of the Historic Preservation League of Oregon’s 2012 Seismic Roundtable, where he helped create action-oriented policy recommendations intended to make historic masonry buildings safe, durable, productive and viable. McMonies has also been a regular speaker and author on the subject of earthquakes and historic buildings in Oregon that are in need of seismic upgrades.

Shareholder **Parna Mehrbani** was recently elected chair of the Trade Names Subcommittee for the International Trademark Association, a not-for-profit membership association dedicated to the support and advancement of trademarks and related intellectual property as elements of fair and effective commerce. As chair, she will work to clarify and eliminate the discord between trademarks and trade names by developing and advocating for policies on issues, such as the removal of business identifiers from relevant registries based on non-use and prior rights, and preventing the registration of business identifiers that may conflict with preexisting trademark rights. The subcommittee has helped develop model trade name laws to guide jurisdictions in developing their own related legislation.

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 submissions 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.

A DINNER AND WHISKEY TASTING TO BENEFIT

SPECIAL ADVOCATES FOR VULNERABLE OREGONIANS (SAVO)

*“Gimme a whiskey,
ginger ale
on the side,
and don't be stingy, baby!”*
- Greta Garbo

**Tickets:
\$100 per plate**

There are currently more than 1,500 adults under court-appointed guardianships in Multnomah County. With baby boomers aging, this number is expected to grow dramatically in the coming years. Anticipating the impending increase in the number of court-appointed guardianships and the strain this will put on the courts, numerous members of the local legal community have assembled to create Special Advocates for Vulnerable Oregonians (SAVO), a new non-profit with a mission to serve the elderly and disabled.

When:	RSVP:
Monday, November 4	Trina Montalban
6:00 - 8:00 p.m.	trina@clblaw.net or 503.517.8793
Where:	Send Checks to:
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Tips From the Bench

What Backpacking Teaches About Handling Cases

by Judge Jerome LaBarre
Multnomah County Circuit Court



In August I was sitting in our campsite at the Three Sisters Wilderness Area when the thought came to me - handling a case in the right way is a lot like a successful backpacking trip. Both involve anticipating lots of details. Both require you to focus on the macro level and the micro level. You must be able to see the big picture as well as the picky details. Realizing that I was nearing my deadline for my *Tips From The Bench* column, I decided to reduce my thoughts to writing and here they are:

- **Go Ultralight.** The key to making it through a long backpacking trip is to use the ultralight approach. In law when you get to the trial or hearing, you also must lighten up. Cut to the chase. Get rid of quantity and go for the quality evidence which will allow you to present the winning theme. Reduce the number of exhibits and cut loose unnecessary witnesses.
- **Stay Away From Poisonous Plants.** You need to stay healthy when you are deep in a wilderness area if you hope to make it out safely. Successfully handling a case means avoiding big mistakes. In situations like cross examination it is easy to have things blow up on you. Lawyers do best when they remember the two basic purposes of cross examination: #1 Minimize the credibility of the opposing witness; #2 Use the other side's witness to establish elements of your own case. And also remember that the best cross examination is usually the shortest.
- **Set Up Camp In The Best Place.** It only takes a few times of pitching your tent on a slope or right next to a churning stream to realize that you do not want to wake up rolling down a hill or all wet. Choice of forum for your case can be critical. State or federal court? Arbitration vs. litigation? Pre-filing attempts at settlement or mediation? Sometimes where you start has a lot to do with where you finish.
- **Take A Guide With You Into Dangerous Places.** We once did a sea kayaking camping adventure in a remote fjord in Alaska. It went well because we had along a professional guide. In the big case consider getting assistance from a pro. If the area of the law is new to you, think about bringing in

expert help. To determine the best way to present your case you may want to get help from a trial consultant and have a focus group.

- **Don't Get Between A Mother Bear and Her Cubs.** In the wilderness you must use caution if you confront a wild animal. Remember that the judge, the jury and opposing counsel have feelings that can be triggered by your words and conduct. If you aggravate them you do so at your own peril. Be professional and work hard to keep the lines of communication open.
- **Know Which Way You Are Going.** You need to know where you are going or you will get lost. Hike with a compass, map and a GPS. In handling a case, your settlement figure needs to adjust to the totality of circumstances that you face at every stage. At trial, if your case is going down in flames - this had better be reflected in the settlement number you give to the other side. Always exchange settlement numbers on the eve of the trial.
- **Bring Along "The Essentials."** In the 1930s, The Mountaineers, a Seattle-based organization for outdoor adventurers, came up with a list of 10 essentials which must be in your pack to have a safe trip. When you head into a jury trial or arbitration you also need essentials. Here is my list of the 10 essentials that trial attorneys need as they head into battle: 1) Verdict form; 2) Jury Instructions; 3) Trial Brief; 4) Voir Dire plan; 5) Opening Statement outline; 6) Direct Examination outlines; 7) Cross Examination plans; 8) Final Argument outline; 9) Law of evidence references; and 10) Strategy for settlement during trial.
- **Plan for All Kinds of Weather.** Especially in Central Oregon the weather can fluctuate between extremes and change suddenly. You need clothing and equipment to handle whatever Mother Nature throws at you. Given Oregon's honored "trial by ambush" even in arbitration hearings, a lawyer must anticipate and be ready to deal with a wide variety of circumstances.

Today most cases settle before trial, but you can never be sure which ones. Be prepared!



News from the Courthouse

by Jeffrey Bowersox
Court Liaison Committee

Family Court Report

Judge McKnight, Chief Judge of Family Court, was present to give the committee an overview of the Family Court. The court is comprised of 10 elected judges and four referees and manages all domestic relations, juvenile, probate, mental health and misdemeanors involving domestic violence. A few highlights: the department has a "flypaper" rule. Once a family is in front of a judge for an hour or more of hearing time, that family belongs to the judge "forever." This allows continuity and a good understanding of the family's challenges and an opportunity for more consistent and effective judicial assistance. Each judge has approximately 200 probationers to supervise and retains approximately 200 families for all proceedings in juvenile matters. Trials are booked approximately three to four months out. Resources for the public include Oregon Law Help, the OSB and of course the excellent staff at the counter in Room 211. However, with budget cuts, the Room 211 counter staff is a much more limited resource than the court would like. Another resource is the very helpful Multnomah County Family Court webpage: http://courts.oregon.gov/Multnomah/General_Info/Family/pages/familyhome.aspx

Judge McKnight reported that the family court is working with the bar regarding family law court services in East County. Currently, Senior Judge Kristena LaMar is sitting each Friday in the East County Courthouse (ECC) hearing domestic relations trials. Her service ends this year. With the conclusion of Judge LaMar's senior judge service, there is a need for a replacement family court presence at that facility starting in 2014. She said that the family court is planning to make ex parte available two days a week in East County, and will try to use parties' residence addresses to identify

hearings to set at the ECC to make the most effective use of the facility for the residents in eastern Multnomah County.

With regard to Senior Judge LaMar, Judge McKnight added, she also performed settlement conferences. There is a need for new resources to fill that gap as well. Judge McKnight hopes to have assistance in this regard from the family law bar.

Judge McKnight explained that the family court has been using the internet based TurboCourt service Family Abuse Prevention Act restraining orders for the past year. This program, in partnership with the City of Portland, was developed as a pilot project and now has been designated to become a part of the Oregon eCourt program and it is going statewide in the near future, along with other forms for use by the self-represented litigant.

Presiding Judge Update & Appreciation for the MBA and Bar

Judge Waller said that the unexpected passing of attorney James Britt has been a warning to us all about the importance of letting people know how much you appreciate them; an opportunity that was missed with James' untimely death. In recognition of this, she said she is taking time to tell people how much value they add to her life personally and professionally. Judge Waller expressed her appreciation of the bar in Multnomah County and for the MBA for the culture of contribution, collaboration and professionalism that the attorneys and the MBA have fostered in this county. Multnomah County is a nationally recognized circuit court, and a large part of that success is due to the legal culture that exists here that models cooperation, tolerance and generosity in our professional relationships and service to our community.

Arbitration Program an Example of Service

Judge Waller said that the circuit court's arbitration program is a good example of the bar

supporting the court system. She noted that approximately 1,700 cases are assigned to arbitration in Multnomah County each year; 600 go to entry of an arbitration award; about 160 per year appeal the award; and, of the appeals, about 70 a year go to jury trial. Multnomah County's attorney-arbitrators are providing an essential public service in bringing the majority of these cases to an early resolution, while the opportunity remains for a disposition by jury trial for the parties.

Oregon eCourt Implementation and Jury Trials

Judge Waller emphasized there will be jury trials during the Oregon eCourt implementation. The court will continue to set jury trials in March, April and May, 2014. Judges will be available and jury trials be sent out. The court will control the number of cases set for trial in this time period and those set should expect to be assigned out.

East County Courthouse

Judge Waller said that the court wants to demonstrate capacity use of the courthouse. The 2010-12 staffing reductions have limited the ability to add administrative services, but judges can still be available to conduct hearings in that facility as the need arises. She is meeting with the attorneys practicing in the East County on November 14, to discuss this issue and to develop a priority list of court functions which would be most helpful to them.

Reporting Settled Cases

Settled cases should be promptly reported to presiding and/or calendaring. Because of inadequate staff funding, a dismissal notice may not be entered prior to call. Presiding would benefit from knowing in advance that cases have been resolved.

Confirmation Cards and eFiling of Proposed Orders

Judge Waller noted that the SLR 5.055, confirmation cards, will become unnecessary when Oregon eCourt's eFiling is able

Continued on page 11

Barbara H. Fredericks In Memoriam

We grieve the death of Barbara Fredericks, who had been a member of the board of the League of Women Voters (LWV) of Portland since 2000. Barbara was an outstanding League leader. She knew how to research a ballot measure, how to put on a candidate or ballot measure forum. It was she who originally linked LWV with the Multnomah Bar Foundation by applying for and receiving a grant to help fund taping and broadcasting of LWV voters forums. She was a patient and gifted mentor who passed on her knowledge and skills to other League members. Barbara also used her considerable

talents and knowledge to chair the League of Women Voters of Oregon (LWVOR) studies of the Oregon Judiciary. She headed LWVOR's work on the LWV of the United States Judicial Independence Project. Citizen education was a passion for her and she kept working on voter service even as she battled liver cancer, somehow finding the strength to continue meeting her own high standards. She was an inspiration to us not only because of her intellect and dedication, but also because of her grace, kindness, good humor, humility and dignity.

Barbara was born and raised in Chicago and Park Ridge, a



Barbara H. Fredericks

suburb of Chicago. Her family was always involved in and vocal about politics. She worked as a trial lawyer in Chicago until she married Jim Jandacek, who took them to Boston, where she continued the practice of law. In 1991 Jim moved the family to Portland.

News From the Courthouse

Continued from page 10

to be used to submit proposed orders for signing. In that environment, the system will provide an email notice alerting the parties to the filing of the signed order.

HB 3194 Initiative in Multnomah County

This legislation changed sentencing guidelines with the goal to reduce prison sentences and eliminate the need to build a new prison within five years.

The goal of the program is to reduce recidivism through community programs. If this can be accomplished, and prison costs reduced, there will be additional funds available to Multnomah County to manage these offenders in community settings.

Success in Sending Out Jury Trials

Judge Waller closed by noting that she is able to send out for trial all civil actions that are ready and on her call docket for assignment. She pointed out that it is not always simple, but she is successful in matching jury trial cases with judges on a daily basis.

MBA Golf Raises \$12,000 for the VLP

September – MBA Golf Championship to Benefit the Volunteer Lawyers Project

The 16th Annual MBA Golf Championship was held at The Reserve Vineyards & Golf Club and raised over \$10,000 for the VLP at LASO.

In the Firm Division, the low gross winner was Wallace Klor & Mann PC - John Klor, Lawrence Mann, Sky Wallace and Schuyler Wallace. The low net winner was Klarquist Sparkman – Ray Klitzke, Michael Jones, Steve Joncus and Joe Jakubek.

In the Open Division, the low gross winner was the team of Jim Oliver, Lowell McKelvey, Dave Stewart and Steve Rumpf. The low net winner was the team of Judge Steve Maurer, Dan Rowan, Tom Purcell and Phil Bunting.

Traveling trophies go to the 1st Place Firm low gross and low net teams and to the 1st Place Open low net team. Congratulations, all!

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Our thanks to Dick's Auto Group for providing a new Jeep Wrangler Sport for our hole-in-one contest.

August – Lawyers & Law Students Event

Lawyers and law students turned out for the MBA Lawyers & Law Students golf event at Langdon Farms Golf Club. The focus of the event was to give law students an opportunity to meet and network with the Portland area legal community.

The winning Low Net team included Tyler Volm, Sean Ray, Traci Ray and Northeastern student Ayla Geller. The Low Gross team included Dan Rowan, Tom Purcell, Willamette students Andrew Fitch and Kraig Moore. Women's long drive went to Molly Honore, Women's KP to Traci Ray, Men's long drive to Andrew Fitch and Men's KP to Tyler Volm.

Lewis & Clark, Willamette and UO law schools teamed with the MBA to keep the registration affordable for students. The event was sponsored by Corey Law Group - A Family Law Practice and raffle prizes were donated by Langdon Farms Golf Club, Shane Swilley, Jan Kitchel and the MBA.

July – Family & Friends at Edgefield

The Family & Friends golf outing brought experienced golfers, beginners, kids and non-golfers alike out for an afternoon of sun, fun and pitch and putt golf.

Thank you "Fun" judges Tyler Volm and Guy Walden; OWLS Foundation volunteers Diane Rynerson, Glen Pullen, Kristie Gibson and Randy King; Prize Sponsor Aufdermauer Pearce Court Reporting and raffle prize donors John Berg, HRCentral Corporation, Dave Hubbs, Jan Kitchel, Martin Bischoff et al, OWLS Foundation, Kathy Root, Shane Swilley and Synergy Legal.

June – Riverside Event

Golfers enjoyed an afternoon of golf, appetizers and collegiality at beautiful Riverside Golf and Country Club.

First place honors went to the team of Mark Birge, Kelly Evans, Tiffany Jensen and Kathy Root. Low Net winner was Steve Larson; Low Gross went to Tom Carter. Long drive went to Ray Klitzke and KP to Allen Reel.

May – Golf Clinic & Networking Event at RedTail Golf Center

The MBA, Oregon Society of CPAs and Oregon Bankers Association joined forces to offer an after-work golf clinic and networking event in May. The evening brought lawyers, accountants and bankers together to hit unlimited buckets of balls, get pointers from the pros and sharpen their skills with the use of Trackman technology.

Thank you to our generous sponsors: Buckley Law P.C., Capital Pacific Bank, Geffen Mesher, HRCentral Corporation, Immix Law Group and Tonkon Torp LLP.



Edgefield



Championship 1st Place Team
Low Gross Open Division



Championship



Edgefield



Edgefield



Edgefield



Tom Chow at Red Tail Golf Clinic



Championship



Championship



Edgefield



OWLS Foundation at Edgefield



Riverside 1st Place Team



Riverside

Young Lawyers Section

YLS Community Service Days

Each month, the YLS Service to the Public Committee organizes a community service day for MBA members. On October 10, MBA members volunteered at an Iron Chef event to benefit Children's Relief Nursery, a community-based program of LifeWorks NW that specializes in child abuse prevention services

for families with children ages 0-4. Special thanks to the following MBA members who participated: Sean Currie, Milan Hanson, Alisa Hardy, Tracy Hooper, Erika Huebschman and Colette McEldowney.

Our next community service day is with the Oregon Food Bank on November 16. See p. 6.



Erika Huebschman, Alisa Hardy, Colette McEldowney and Sean Currie volunteer at the Iron Chef event

Ask the Associate

Dear Awesome Associate:

I'm having trouble balancing my billable hour requirement with my "extracurricular" activities. I no longer have time to do anything. My DVR is overflowing and my dog doesn't know my name anymore. Please help!

Your friend,
Sinking in St. Johns

Dear Sinking:

It sounds like you are overcommitted. You obviously can't shirk your work duties, and unless you have compromising photos of someone important, you probably can't negotiate down your billable hour requirement. That leaves your "extracurricular" activities as the best place to look at reducing to provide relief.

You don't need to join every committee that comes your way, or be involved in every nonprofit some guy holding a clipboard on the corner of Pioneer Courthouse Square told you about. When it comes to joining committees or associations, you need to exercise discretion.

You certainly wouldn't indiscriminately post a series of selfies to Instagram from that licentious night on the town with your former frat buddies (heck, cameras weren't even allowed in half the places you went). The same premise holds true here.

You should target committees, boards, and other social opportunities that line up with your personal marketing plan. Look at what you'd get out of an opportunity, both professionally and/or personally, before deciding to join. If it is not fulfilling, either on a personal level or professional level, don't join just so that you'll have one more notch on your resume. Spending some time doing what's important to you will help you clear your mind and be a better attorney. But remember, work comes first. Activities that interfere with your day job can be more harmful than helpful.

Yours Truly,
Awesome Associate

Send your questions to Awesome Associate at mbabar.org

YLS Lends Heroes a Hand

by Sarah Petersen
YLS Wills for Heroes Committee

On October 4, the MBA YLS hosted Wills for Heroes, a program devoted to providing simple wills, powers of attorney and advanced directives to first responders, to "protect those who protect us," at Portland State University. Although this ABA-approved program has run in other states, this was the first time the program was offered in Oregon, and both the need and the response were overwhelming.

Traci Ray, Executive Director at Barran Liebman LLP and the MBA YLS President, first learned about the program at an ABA conference in Chicago that she attended while serving as the MBA YLS ABA Delegate. Upon returning, she asked for local support to run the clinic in Portland, and the YLS Board rose to the challenge. A Wills for Heroes committee was formed, including Adam Adkin, Elissa Boyd, Ben Cox, Mackenzie Hogan, Kathy Modie, Sarah Petersen, Sean Ray, Traci Ray, Duke Tufty and Tyler Volm, and the program took form. Eight months later, over 40 volunteers gathered to facilitate the four-hour clinic. YLS volunteers drafted documents for 100 police officers, firefighters, EMTs, and their spouses - each of them heroes.

YLS Board and Wills for Heroes committee member Mackenzie Hogan, who practices estate planning with Harris &

Bowker LLP, worked with the Wills for Heroes program to develop templates for the simple will and other documents. The templates allowed a team of attorneys and paralegals to act as "form fillers," who met with the first responders and their spouses to talk through the questions that must be considered when drafting these documents: Who will be your personal representative? Who will care for your children? Who should make decisions on your behalf? Obviously, these are tough questions to contemplate - perhaps even more so for professionals who may face death the next time they head off to work.

Even though a simple will cannot fit every person's needs, starting the conversation can be an important step. "We always said we needed to do it, but we just never got around to it," said one Sherwood police officer.

Once the form fillers had worked with the first responders to draft the documents, another group of attorneys, paralegals, notaries, and other volunteers were ready to walk the first responders through the next steps. Attorneys explained the documents one more time, to ensure that they reflected each hero's wishes, before the wills were witnessed and notarized. By the end of the day, 100 heroes were able

to walk out with a will, POA and advanced directive.

Mackenzie's templates have now been added to the Wills for Heroes' website, so that Oregon attorney volunteers around the state will have the resources to hold their own clinics. Traci Ray is meeting with other county bar leaders to help them provide the same type of pro bono effort to their local heroes. "The best parts of this project include making an impact on peoples' families and ensuring their peace of mind regarding their personal affairs."

Many of the attorneys who donated their time also noted how meaningful the experience was for them, and how the first responders were truly thankful for the service. In one thank you letter, Officer Amy Bruner-Dehnert said, "Thank you to all the volunteers that put on this event for us. It is truly appreciated! Please pass on my (and my family's) gratitude for taking the time to do this."

Additional thanks to Barran Liebman for generously donating lunch for the volunteers and to Aaron Starr, who works with Gevurtz Menashe and Barran Liebman as their IT manager. Without lunch and IT support, the event would not have enjoyed the same success, which was summed up by Sgt. Rohn Richards of the Hillsboro Police Department: "I just wanted to again say thank you for you and your awesome team's efforts. These events can be a nightmare to run and your team did it flawlessly. Again, bravo and many thanks!"



YLS Wills for Heroes volunteers

MBA Mentor Program

The MBA Mentor Program is available to all YLS members, not just first-year lawyers. Applications for the MBA Mentor Program, which pairs YLS members with esteemed and experienced MBA members for a six-month period, may be found at www.mbabar.org and are due by December 2. Mentoring matches will be made in December. A kickoff reception will be held in January where the YLS attorneys will meet their mentors for the first time. An additional social and CLE program will be scheduled during the six-month program.

If you have any questions, please contact Kathy Modie at kathy@mbabar.org or 503.222.3275.

mba yls | EVENT

YLS Luncheon

Portland Prime

121 SW 3rd Ave., Portland

Tuesday, November 12

12-1 p.m.

The MBA YLS is happy to announce its first (of hopefully many) luncheons for all YLS members! Please join us for lunch, socializing and a candid discussion on how to market yourself as a new attorney. This discussion will apply to all newer attorneys, whether you are in a big firm, small firm, out on your own, or looking for a job. The price is \$25 per person. There is a 50% discount for new admittees (first licensed in any jurisdiction in 2013). Space is limited. We hope to see you there!

Register at www.mbabar.org.

Katie Riggs Pro Bono Spotlight

by Michael Fuller
YLS Pro Bono Committee

This month's spotlight focuses on attorney Katie Riggs and her pro bono efforts volunteering with the Legal Aid Services of Oregon (LASO) Bankruptcy Clinic, which offers low-income Portland area consumers free information about debt management and matches potential bankruptcy candidates with pro bono attorneys. Katie began volunteering with the clinic in the summer of 2012. She also volunteers with LASO's Domestic Violence Project.

"I graduated from Lewis & Clark Law School in 2009, then practiced disability law for two years at a Portland law firm," she says.

In 2012, her son was born, and she left private practice to focus on her family. Riggs changed her OSB membership status from "regular active" to "pro bono active." This allowed her to stay connected with her peers and accept pro bono cases without paying PLF dues or meeting CLE requirements. "Now I'm a stay-at-home mom and I do pro bono work as much as I can," she says. "Before the clinic, I had no bankruptcy experience, so I took a full day online bankruptcy CLE."

As it turned out, the requirements of the Bankruptcy Clinic work well with her schedule as a stay-at-home mom. She drafts the bankruptcy documents from her home in Vancouver and takes occasional trips to downtown Portland to meet with clients and attend hearings. "Most of the time, I do the work when my son is napping or goes to bed," she says. "I don't have an office and anytime I have to meet a client or attend a hearing, I have to arrange childcare."

Thus far, all of Katie's clinic cases have been fairly straightforward "no asset" chapter 7 bankruptcies. She says her clients usually decide to file bankruptcy because of underemployment and trouble making ends meet. "My first client qualified for a waiver of the \$306 court filing fee," she said. "My second client didn't qualify, and my third client required a hearing so the judge could determine if the actual income was below the threshold allowed under the rules."

Katie says she received great advice from consumer law professor Dick Slottee, and ultimately resolved the fee issue in her client's favor. "In my first case, I actually advised my client he didn't need to file," says Riggs. "He was 'judgment proof' because his income was exempt federal benefits and he had no valuable assets. He eventually decided to file, in large part just to put the debt behind him."



Katie Riggs

Katie says she really enjoys the time she spends with her clinic clients. Clinics generally take place on the third Tuesday of each month, except for the Beaverton clinic, which takes place on Wednesday. Consumers arrive at 6:15 p.m. and attend a class presented by a local bankruptcy practitioner or judge. Volunteer attorneys show up by 7 p.m. to review case files before being assigned new clients.

Below are the next clinic times and places:

Downtown Portland
First United Methodist Church
Tuesday, January 14, 2014

East Portland
East Portland Community Center
Tuesday, February 18, 2014

Beaverton
Office of Todd Trierweiler
Wednesday, March 19, 2014

More clinic times are scheduled throughout the year. Volunteer attorneys are usually assigned two straightforward cases. Complex cases are directed to experienced bankruptcy practitioners. The clinic also offers a direct referral service for participating attorneys who can't make one of the scheduled clinic times.

For more information on the LASO Bankruptcy Clinic, contact supervising attorney Maya Crawford at maya.crawford@lasoregon.org or 503.224.4086.

Getting to Know the Multnomah County Chapter of Oregon Women Lawyers

by Jovita Wang
YLS Board

Queen's Bench was founded in 1948 as a statewide organization to provide a supportive community for female attorneys. In 1972, it started meeting on the second Tuesday of each month and has met in downtown Portland every month for more than 40 years. About a year before it became the first chapter of the newly formed Oregon Women Lawyers (OWLS) in 1989, Queen's Bench began including monthly programs with different themes focusing on women in leadership.

Today, membership in OWLS is open to anyone who supports its mission to transform the practice of law and ensure justice and equality by advancing women and minorities in the legal profession. OWLS has 12 regional chapters. In Multnomah County, Queen's Bench promotes the professional advancement, camaraderie, and good fellowship among women in the legal profession and the community. In 2013, Queen's Bench has had record attendance of its programs while exploring "Diversity in Leadership," the 2013 theme selected by President Julie Lohuis. This month we



interviewed Mary L. Dougherty, vice president of Queen's Bench, to learn about the "23rd Annual Holiday Luncheon Honoring Women Judges" that will be held Tuesday, December 10.

Q: Tell me a little bit about your practice area and how you got

involved in Queen's Bench.

A: My firm, Brownstein Rask, LLP, is a general practice firm that primarily advises closely held businesses of all shapes and sizes in the various areas that impact a business from formation to litigation and everything in between. My practice emphasizes business transactions, estate and trust planning and administration, and taxation. During my clerkship with the Oregon Tax Court, Presiding Magistrate Jill Tanner encouraged me to join OWLS. I enjoyed attending OWLS events with her, so when the opportunity to become a volunteer director came along, I immediately said yes. Over the past three years, I have served as member-at-large and treasurer. I am currently vice president/president-elect of Queen's Bench.

Q: Wow! That's great! Tell me more about Queen's Bench.

A: The monthly luncheons are a great opportunity to meet prominent and successful lawyers in a setting where it is easy to strike up a conversation. One of the founders of Queen's Bench, Helen Althaus, helped create a culture of access and inclusion by sending hand-written letters to newly admitted female attorneys to welcome them to the practice of law. Queen's Bench continues to honor that tradition by holding an annual luncheon welcoming the new Multnomah County lawyers. This year, Mariann Hyland will speak about recent OSB diversity and inclusion initiatives at the annual New Admittee Luncheon on Tuesday, November 12.

Q: How can young lawyers get involved with OWLS and Queen's Bench?

A: The best way to get involved is to contact a current committee chair. OWLS and Queen's Bench have several active committees, and both organizations maintain Web sites with current information about how to join, names of the committee chairs, and calendars of upcoming events. See www.oregonwomenlawyers.org and www.owlsqueensbench.org

Q: Can you tell me a little bit more about the upcoming Holiday Luncheon?

A: This is our 23rd annual event. As part of the tradition, we are honoring women judges. It is always a festive, elegant celebration of our accomplished female judges and their increased



Mary Dougherty

visibility on the bench. It's a nice opportunity to reflect on what it means to everyday people to see more women leaders in our courts. Unlike many bar events, there are no sponsored tables. Instead, we organize tables by judge and – other than reserved seats for the judges, their law clerks, and their mentees – seating is open. It's part of our culture of access.

Other luncheon traditions include: a presentation to MBF for the CourtCare childcare center at the Multnomah County Courthouse; a word about the Manche Langley Scholarship Fund, which is named in honor of a Queen's Bench Founder and a 1909 graduate of the Lewis & Clark Law School where the fund is maintained; and the announcement of the 2014 recipients of the Justice Betty Roberts Award and the Judge Mercedes Deiz Award, two awards that will be presented at the OWLS Annual Roberts-Deiz Awards Dinner (March 14, 2014, at the Nines Hotel) and are given to recognize individuals who have made an outstanding contribution to promoting women and minorities in the legal profession and the community. The Holiday Luncheon keynote will be given by Oregon Supreme Court Justice Martha Walters.

Q: Sounds like a blast! What do I need to do to attend?

A: The cost to attend is \$35. If you register by November 15, you will receive a \$5 discount. We also have sponsorship opportunities that subsidize the cost of individual registration. Both sponsors and individual attendees can register online through Brown Paper Tickets. Registration ends when we reach capacity or at 10 a.m. on Monday, December 2 - no tickets will be sold at the door.

Q: Can you tell me the annual theme on women in leadership you have selected for 2014?

A: I'll tell you at the Holiday Luncheon!

So for those of you reading this article, you all know that this event is not to be missed - especially since we did your homework for you! All you need to do is go to:

<http://owlsqueensbench.bpt.me> to register. Don't delay! Hope to see you at The Governor Hotel (614 SW 11th Ave., Portland) on Tuesday, December 10. Doors open at 11:30 a.m.; buffet starts at 11:40 a.m.; program from noon to 1 p.m.

mba yls|EVENT

New Admittee Social Spirit of >77

500 NE Martin Luther King Jr. Blvd., Portland
Wednesday, November 6
5-7 p.m.

The The YLS Membership Committee will host a social on November 6, from 5-7 p.m. to welcome lawyers who have recently been admitted to the OSB. Appetizers and refreshments will be provided. Please bring your colleagues and join us to meet and welcome lawyers recently admitted to the OSB.

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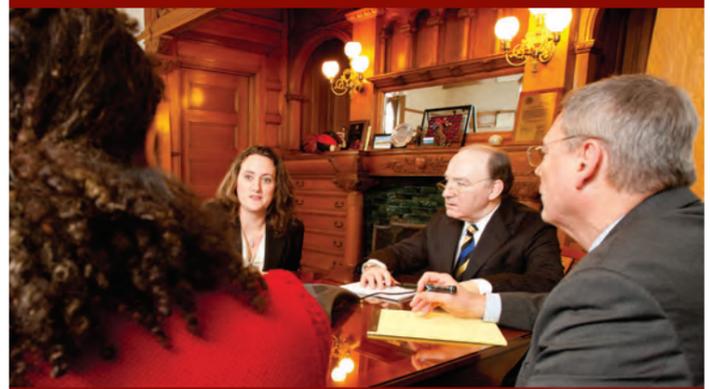
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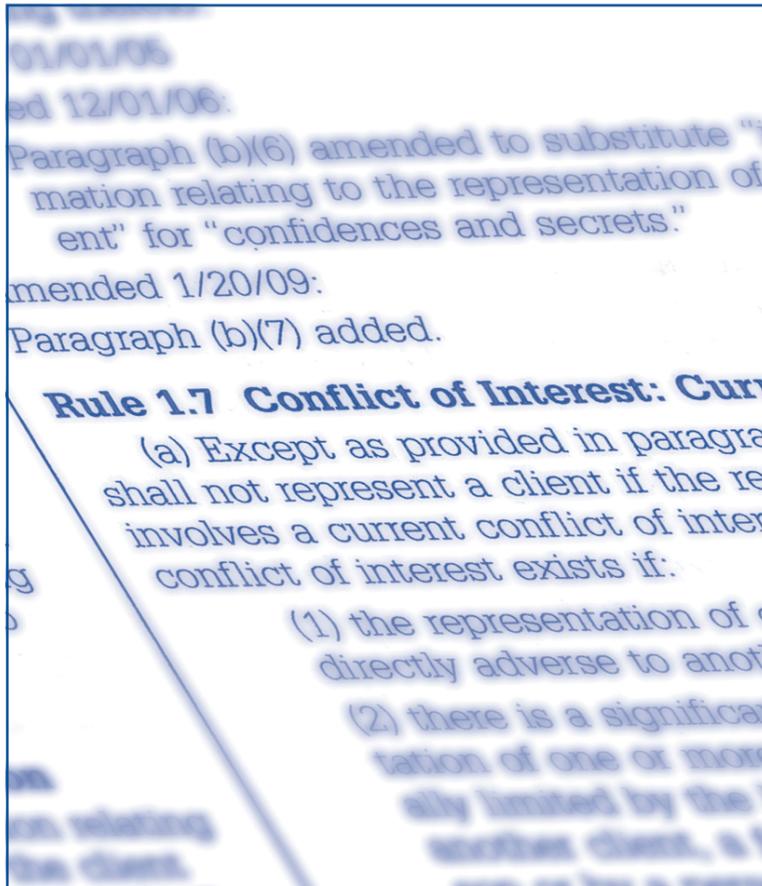
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MBF Social

*Celebrating Good Work in Civic Education,
Generous Supporters and a Successful
CourtCare Campaign*

by Pamela B. Hubbs
Office and Foundation Administrator

The MBF recognized its 2013 grant recipients and generous supporters at an October social at Stoel Rives. MBF President Judge Julie Frantz awarded CourtCare Campaign trophies to the firms of Buchanan, Angeli, Altschul & Sullivan and Davis Wright Tremain and presented a clip from *Voting 101*, one of the newly

released MBF civic education videos. Guests included the legal community and law students, representatives from Bus Project Foundation, City Club of Portland, Classroom Law Project, Elders in Action, League of Women Voters of Portland, MetroEast Community Media, Four Cities Peer Court, SOAR

and YOUthFILM Project and Volunteers of America Oregon, which operates CourtCare.

To learn more about the MBF, visit mbabar.org or contact Pamela Hubbs at 503.222.3275.



Andrew Altschul and Jenna Mooney



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