



Taking Care of Our Clients

by Richard Vangelisti, MBA President

Our legal profession in Oregon is under attack on many fronts. With the advent of electronic case filing and low thresholds for pro hac vice admission, law firms from around the country have been extending

their reach into Oregon courts. These non-Oregon firms are seeking to serve Oregon clients that have traditionally been served by local lawyers.

Services that have been traditionally provided by law firms are being outsourced. I recently received a solicitation from a company in the "silicon valley of India." This company was offering a "team of lawyers" to provide a wide range of services including "drafting complex legal documents."

Web-based companies are racing to replace lawyers with stock forms and "helpful information." Other web-based companies abound with their national internet marketing and referral systems.

Recent law graduates - many with staggering law school debt - are stymied in their efforts to find full employment in the legal field. Their struggle is occurring while the Multnomah County Court is experiencing record numbers of pro se litigants in civil cases.

I could go on-and-on, but I think most in our local legal community are familiar with the shifting sands under their feet. These changes are affecting lawyers regardless of whether they are solo practitioners or lawyers in a big firm.

Why should we care? First, we have a duty to ensure that every member of our community is well-served by our profession.

Services that have been traditionally provided by law firms are being outsourced.

Every human is entitled to equal justice under law. Second, we as lawyers enjoy the "Oregon Way" of practice in which professionalism is universally expected as part of our culture. Third, if we don't take care of the first two reasons, we will lose our profession by market forces or by legislation abolishing or marginalizing our self-regulated profession.

Now for a defense to the attack on our profession. I am not suggesting artificial measures of "protectionism" or heightened barriers to entry.

The best defense, however, is committing to serving our clients extremely well. In other words, as Oregon lawyers, we should double our commitment to serving clients better than anyone. This means providing a higher level of service than websites, technicians, and those lawyers licensed elsewhere, including those who don't know how to pronounce "Oregon."

To this end, I suggest some general tips on serving clients extremely well. I am sure that books have been written on this topic. But the list of 21 tips below should encourage thinking on the "why" of what works in addition to the "how." The following list is what I have collected from experience and from my mentors:

1. Adhere to the Oregon Rules of Professional Conduct, particularly Rules 1.1 (competence), 1.2 (role of lawyer), 1.3 (diligence), 1.4 (communication), 1.5 (no "clearly excessive fees"), 1.6 (confidences), and 1.7 to 1.11 (conflicts of interest).

2. In your retainer letter or fee agreement, inform the client about our applicable statements of professionalism and tell the client that you are committed to follow them. See <http://www.osbar.org/professionalism>.
3. Clearly define with the client the scope of representation. While lawyers can never guarantee results, the client and lawyer should be on the same page as to what the client's goals are in the matter.
4. Set reasonable expectations with the client, and then strive to exceed them. My personal philosophy is to keep the clients "sober" about the range of potential results.
5. Regularly and promptly respond to client inquiries. Complaints about lack of communication comprise the largest category of complaints the OSB receives against lawyers.
6. Routinely provide the client more value than you receive. Don't hesitate to adjust your legal fees or structure them to bring them more in line with client expectations and interests.
7. Create efficient and economical solutions for achieving clients' goals. If you do, they will come back and refer their friends.
8. Do whatever it takes to achieve the client's goals -but always do it professionally. The professional approach is always the smartest approach.
9. In addition to advising a client on what the law is, provide the client a recommendation based on your judgment and a thorough case evaluation. Judgment is sharpened through experience and a humble willingness to learn every day.
10. When advising the client, avoid bashing of opposing counsel and our judicial system. Such bashing can reflect poorly on you as a lawyer as well.
11. On an ongoing basis, provide your client information or services to help their lives or business *before* they run into a legal problem. An ounce of prevention for a client is better than a pound of cure.
12. Build strong relationships with clients within the professional context but also within a personal realm. Ask any "rainmaker," and he or she will tell you that the secret is that "my clients are my friends."
13. Establish strong relationships with the courts or other branches of government with whom your client will interact. This builds a level of credibility that cannot be replaced with a website or an out-of-state lawyer with a single contact with our forum.
14. Walk a mile in the clients' shoes. Visit them in their home or work place. If the client is a business, take a tour of their business or, better yet, work with them at the job site or store.
15. Show clients that you appreciate them. Tell the client: "I will take care of you." And then do so.
16. The best "marketing" is serving your current clients extremely well.
17. Establish a strong reputation for competence and professionalism within the legal community. This heightened credibility will help you help your client.

The professional approach is always the smartest approach.

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mba|CLE

To register for a CLE, please see pages 3 & 4 or go to mbabar.org and log in as a member to register at the member rate.

MARCH

3-12 Wednesday Annual Family Law Update & eCourt Presentation

Thomas Bittner
Judge Maureen McKnight
Gary Zimmer

3-19 Wednesday The Status of Internal Law Firm Privilege in Oregon

Mark Fucile
Bonnie Richardson
Robyn Ridler Aoyagi

3-20 Thursday Intellectual Property Protection

Jacob Gill
Anne Koch
TJ Romano

APRIL

4-1 Tuesday Investigating Evidence from Both Sides of the Bench

Dwight Holton
Judge Karin Immergut
Kevin Sali

4-3 Thursday Working with Translators & Interpreters

Melanie DeLeon-Benham

4-8 Tuesday Advising Nonprofits & Serving on a Nonprofit Board

Matthew Lowe
Shouka Rezvani
Penny Serrurier

4-16 Tuesday Tax Planning for the Taxable Estate

John Christianson
Helen Pruitt
J. Mack Shively

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Save the Date!

MBA 108th Annual Meeting, Dinner & Judges Reception

Friday, May 30
5-8 p.m.

Portland Marriott Downtown
Waterfront
1401 SW Naito Parkway



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DEADLINE for copy: The 10th of the month*

DEADLINE for ads: The 12th of the month*

*or the preceding Friday, if on a weekend.

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MBA 12th Annual WinterSmash

A Family Friendly Bowling Event



**Saturday, April 5
6-9 p.m.**

**20th Century Lanes
3350 SE 92nd**

10 minutes from downtown Portland

A fundraiser for the Multnomah Bar Foundation
Civic Education Fund

Due to inclement weather, WinterSmash was rescheduled from February 8 to April 5. We hope you'll be able to join us on the new date.

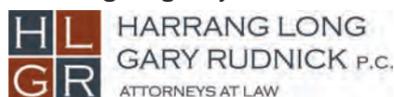
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Calendar

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

MARCH

3.1 Saturday

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

3.11 Tuesday

Everybody Reads: Justice
Sonia Sotomayor
Visit portland5.com and click on events for details

3.14 Friday

OWLS Roberts Deiz Awards
Dinner
Visit oregonwomenlawyers.org for details

3.15 Saturday

YLS Community Service Day with SOLVE
Visit mbabar.org for details

Lewis & Clark PILP Auction
Visit law.lclark.edu/student_groups/public_interest_law_project/auction for details

3.26 Wednesday

YLS & CEJ Justice Trivia at Kells
Visit cej-oregon.org for details

APRIL

4.5 Saturday

MBA WinterSmash
Visit mbabar.org for details

4.18 Friday

MBA Board voting ends
See p. 11 for details

4.23 Wednesday

Administrative Professionals Day

CLP Legal Citizen Dinner
Visit classroomlaw.org for details

4.26-5.2 Saturday-Friday
Community Law Week

MAY

5.1 Thursday

YOUTHFILM Screening
Visit mbabar.org for details

5.12 Monday

eCourt goes live in Multnomah County Circuit Court

Taking Care of Our Clients

Continued from page 1

18. To perform as a great lawyer for a client, you must strive to be a great lawyer. Continually improve your knowledge, skills, experience, and ability to help your clients.
19. Seek advice from your mentors on how to better serve a client, and then "pay it forward" to other lawyers.
20. Be a leader in your community, profession and practice area in an effort to improve the lives of others and the law for the public good.
21. Act with the utmost integrity, loyalty, honesty and professionalism in every aspect of a client matter.

And now for the bonus tip, which I personally need to work on. Take it easy, take care of yourself, and take time to have fun. Happy and well-rounded lawyers are often better able to serve their clients. Your family and friends will love you for it too. Enjoy the journey!

Multnomah Bar Association Annual Open Enrollment March 2014



Check out all the **NEW** plans offered by the Multnomah Bar Association

- New Gold, Silver, and Bronze Plans
- **NEW insurance carrier, Oregon Health CO-OP, added to Providence and Kaiser options**
- 11 PPO plans with access to nationwide PPO networks
- 3 H.S.A. plans
- Oregon or Clark County, Washington, law firms are eligible to enroll
- Firms with offices outside Oregon can enroll accessing nationwide PPO networks

Advantages of MBA Plans

- Covers offices located outside of Oregon
- No Health Statement - guaranteed issue
- Covers all pre-existing conditions
- COBRA administration provided at no cost
- Discounted fees or Section 125 plans
- All plans satisfy the "Minimum Essential Coverage" requirement of the ACA

For more information, contact:

Northwest Employee Benefits, Inc.
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Each Employee Can Select a Plan From a Menu of 15 Available Plans

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- Covers alternative providers

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- 1 PPO Plan
- 1 H.S.A. Plan
- Covers alternative providers

OREGON HEALTH CO-OP

- 3 PPO Plans
- 1 H.S.A. Plan
- Nationwide PPO Network
- Covers alternative providers

Dental and Vision

- MODA (see any dentist)
- Willamette Dental
- Kaiser Dental
- Vision Service Plan (VSP)

Check www.nwebi.com for more details.

Click on **MBA** link.

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



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.

Annual Family Law Update and eCourt Presentation

Wednesday, March 12, 2014
2:30-5:00 p.m.

World Trade Center
Auditorium
26 SW Salmon, Portland

Members \$55
Non-members \$85

Note: This class runs 2:30-5:00 p.m. and will be worth 2.5 hours of OSB MCLE credit.

On March 12 the MBA will hold its annual two-hour Family Law Update. Multnomah County's Chief Family Court **Judge Maureen McKnight**, 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.

This class will also include an eCourt Presentation by **Ed Jones**, Office of Education, Training and Outreach, Office of the State Court Administrator. eCourt will go live in Multnomah County on May 12.

For more information:

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

Intellectual Property Protection: Creative Approaches to Keeping What Your Clients Create

Thursday, March 20, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Intellectual Property can include some of your clients' most valuable and intangible assets. What are your options when faced with infringement, demands, or other challenges relating to copyrights, trademarks, patents, and other intellectual assets? Litigation is only one arrow in your IP enforcement quiver. Join front-line intellectual property attorneys **Jacob Gill**, Stoll Berne; **TJ Romano**, Kolisch Hartwell; and **Anne Koch**, Day & Koch for a practical discussion for business lawyers and other non-IP practitioners about the variety of tools at your disposal to protect and enforce your clients' IP.

For more information:

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

Working with Translators and Interpreters in Oregon

Thursday, April 3, 2014
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 2 hours of Access to Justice OSB MCLE credit.

Melanie DeLeon-Benham, Certification and Training Coordinator for the OSB, will speak on practical skills for securing and working with interpreters to secure access for clients who are limited English proficient. She will address some common misunderstandings regarding the role of interpreters, and discuss legal issues surrounding the use of interpreters and translators. This class will be particularly helpful for attorneys who rely on informal translators such as a friends or family members, attorneys who might work with deaf clients or witnesses, and attorneys working on matters involving translation or interpretation of testimony or documents.

For more information:

Call Clifford Davidson, Sussman Shank LLP at 503.243.1653. For registration questions, call the MBA at 503.222.3275.

The Status of Internal Law Firm Privilege in Oregon

Wednesday, March 19, 2014
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 one hour of ethics credit and one hour of general OSB MCLE credit.

Should a lawyer's communications within her firm about an ethics or malpractice issue involving a current client be protected by the attorney-client privilege? Or should a lawyer's duty of loyalty to a current client override any attorney-client privilege? Join **Mark Fucile** of Fucile & Reising LLP, **Michael Greene** of Rosenthal Greene & Devlin PC and **Robyn Ridler Aoyagi** of Tonkon Torp LLP for a discussion of the intricacies of attorney-privilege in the context of the Crimson Trace case, currently pending at the Oregon Supreme Court.

For more information:

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

Investigating Evidence from Both Sides of the Bench

Tuesday, April 1, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

The MBA is pleased to present this evidence CLE. The CLE will cover:

- Evidentiary issues relating to hearsay and document authentication
- The best ways to get evidence in and keep it out
- How best to present evidentiary issues to the court, including authentication and objection

The panel includes **Dwight Holton** of Lane Powell, Multnomah County Circuit Court **Judge Karin Immergut**, and **Kevin Sali** of Kevin Sali LLC.

For more information:

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

Advising Nonprofits and Serving on a Nonprofit Board Navigating the Rules and Avoiding the Traps

Tuesday, April 8, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

There are an increasing number of rules, regulations, excise taxes and other sanctions that can apply to a tax-exempt entity. Whether you serve on a nonprofit board or advise nonprofits as part of your law practice, it is important to know the rules that apply to various types of nonprofit entities.

Penny Serrurier of Stoel Rives, **Shouka Rezvani** of Tonkon Torp LLP and **Matthew Lowe** of O'Donnell, Clark & Crew LLP will address best practices in the nonprofit area to help advisors, board members, and key staff avoid conflicts of interest and apply sound fiduciary oversight. This presentation will cover private foundations, public charities, trade associations, social clubs, and similar tax exempt entities. The speakers will outline the policies and procedures that help ensure a tax exempt entity is operating in compliance.

For more information:

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

CLE Class Registration on next page

Tax Planning for the Taxable Estate

Wednesday, April 16, 2014
3:00-5:00 p.m.

White Stag Building
Wayne Morse Suite
70 NW Couch St., Portland
Members \$55
Non-members \$85

Note: This class is co-sponsored by UO Law and will be held at the White Stag Building in the Wayne Morse Suite, 70 NW Couch St, Portland.

The CLE will detail how to assess a client's exposure to Federal Estate and Oregon Inheritance Tax regimes, as well as the client's exposure to gift, GST and other transfer taxes. **John Christianson**, Gevurtz Menashe, **Helen Pruitt**, Wyse Kadish and **J. Mack Shively**, Attorney at Law will lead a discussion on common planning techniques, such as the use of different trusts to create tax efficient plans.

For more information:

Call Will Glasson, University of Oregon School of Law at 503.412.0468. For registration questions, call the MBA at 503.222.3275.

Washington and Clackamas County Courts Update

Tuesday, April 22, 2014
3:00-5:00 p.m.

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

The MBA CLE Committee presents a two-hour CLE focusing on Washington and Clackamas County court updates. This CLE is designed for all attorneys and will provide information and forms for navigating the Washington and Clackamas County courts.

Our panel includes Washington County Presiding **Judge Kirsten Thompson** and Clackamas County Presiding **Judge Robert Herndon**. This class will assist the practitioner in adjusting to court procedures outside of Multnomah County, including court organization, filing and serving your complaint, general calendaring, routine motion practice and scheduling and getting court assistance with trial and pleading issues.

The class will also provide attendees with updates to both Washington and Clackamas County court practices. Printed materials and online resources will be available to provide further assistance to attorneys who may practice in either or both of these counties.

For more information:

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

Evaluating, Prosecuting and Defending Non-compete and Trade Secret Litigation

Thursday, April 24, 2014
3:00-5:00 p.m.

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

Significant changes to Oregon's noncompetition statute, coupled with the growth in electronic communications and social media, now require fresh and creative approaches to evaluating, defending and prosecuting litigation when employees depart to competing companies.

Join **Jeff Edelson**, of Markowitz, Herbold, Glade & Mehlhaf, PC, and **Judy Snyder**, of The Law Offices of Judy Snyder, for a wild ride in the world of emergency TROs, expedited discovery, and hard-drive forensics. Jeff and Judy each bring more than 20 years of experience representing departing employees, jilted employers, and aggressive companies recruiting talent. They will dissect Oregon's unique noncompetition statute, examine the newest developments, offer approaches for advising employees to avoid litigation, explain how and when to pull the litigation trigger, and help navigate you through a noncompete/trade secrets lawsuit.

For more information:

Call Shannon Armstrong, Markowitz Herbold Glade & Mehlhaf at 503.295.3085. 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.mbar.org.

Registration Form

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

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PHONE _____	_____
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Member Status:

- MBA Member
 Non-Member

Payment Options:

- Check VISA MasterCard
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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:

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.mbar.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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3/19 The Status of Internal Law Firm Privilege in Oregon

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3/20 Intellectual Property Protection

- Class Registration Online (\$50 Members/\$80 Non)
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4/1 Investigating Evidence From Both Sides of the Bench

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4/3 Working with Translators and Interpreters in Oregon

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4/22 Washington and Clackamas County Courts Update

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4/24 Evaluating, Prosecuting and Defending Non-compete and Trade Secret Litigation

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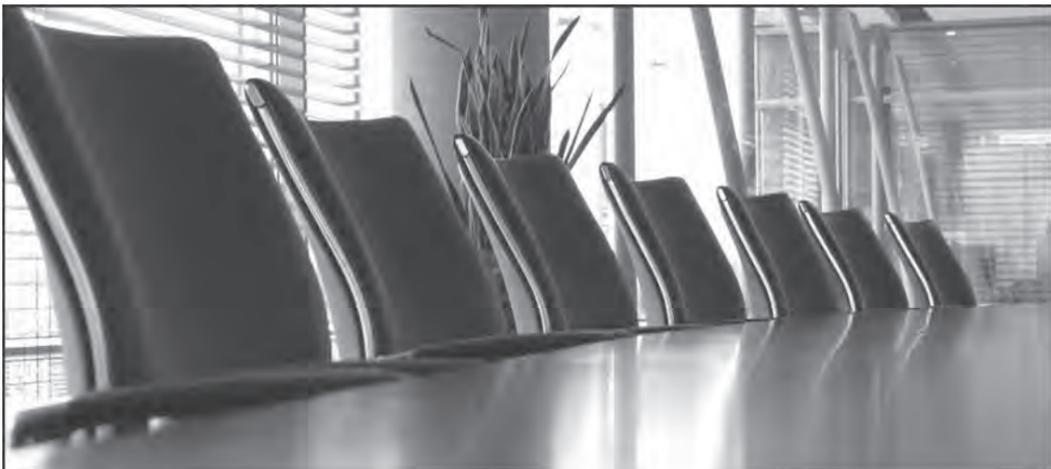
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mba | ANNOUNCEMENTS

WinterSmash Rescheduled to April 5

The MBA WinterSmash was rescheduled to April 5 because of inclement weather. See p. 2 for details.

Free CLE Content for MBA Members

MBA members receive access to a rotating selection of six different CLE seminars each year – a \$300 value. Simply log in to the Members Center on the MBA website to view the CLE webcast “Mediation is a Contact Sport: How to Get the Best Possible Result for Your Client.” The seminar is worth two hours of general OSB MCLE credit. The free webcast content is refreshed every two months, so stay tuned!

Statement of Diversity Principles Available to Sign

The MBA Equality & Diversity Committee invites you to sign the Statement of Diversity Principles. Read the statement at mbabar.org/about-us/diversity.html and demonstrate your commitment to diversity by signing the statement online at mbabar.org/AboutUs/DiversityPledge.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.

PILP Auction Rescheduled to March 15

Lewis & Clark's annual PILP Auction was rescheduled to Saturday, March 15. Visit law.lclark.edu/student_groups/public_interest_law_project/auction for details.

Significant Changes to the MBA Health Plan *New Carrier Added*

Effective April 1, the MBA Health Plan will undergo significant changes affecting all group insurance plans as a result of the Affordable Care Act (ACA). We are pleased to announce that the Oregon Health Co-Op is being added to the MBA plan as a third carrier, in addition to Providence and Kaiser Permanente. The MBA plans are now structured in a way that makes it easy to compare them to what is available on the state run exchange, called Cover Oregon, with the Gold, Silver and Bronze designations used by the exchange.

The ACA stipulates that bona fide association plans can only offer medical coverage to small employers and not to single individuals with no employees. As a result, at our next renewal date of April 1st, the MBA will no longer be allowed to offer coverage to sole practitioners with no employees.

If your law firm meets the definition of a small employer, you still may be eligible to participate in the MBA plans if there is at least one other person working at your firm. Under Oregon law, a small employer is defined as a business with at least two employees working a minimum of 17.5 hours per week. For the purpose of this definition, the employer or owner of the business can count as one of the two. If the only employees at a firm are a married couple, they will not meet the definition of a small employer under Oregon law.

Detailed rate and benefit information is available on the enclosed insert, or may be obtained by contacting Steve Doty of Northwest Employee Benefits at 503.284.1331, or via email at sdoty@nwebi.com.

For questions or additional information, contact Steve Doty of Northwest Employee Benefits at 503.284.1331, or via email at sdoty@nwebi.com.



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C-1-ADV/78-0208

Making the Transition from OJIN to OECI

Important changes since last month's article

Data Blackout to OJIN OnLine Users will be 21 days – 5:30 p.m. May 5 to 8 a.m. May 27

The OJIN lockdown and loss of computer access to case information by OJIN OnLine users will run from 5:30 p.m., May 5 through 8 a.m., May 27. This estimate is based on the current approved schedule for the conversion of all current OJIN data in Multnomah County.

Changes from February's Article

The final approved conversion schedule for Multnomah County Circuit Court reverses much of what was forecast for implementation of Oregon eCourt Case Information (OECI) in Multnomah County and that was published in this column last month.

Last month, you were given an outline that was based on the "usual process" in making a transition in a circuit court from OJIN to OECI. That was how things had gone, and all of the preliminary implementation week schedules forecast that converting Multnomah County would be similar.

Up to now, the combined 10 courts currently in OECI converted a total of 2.9 million cases into that system. Multnomah County will add 10.2 million cases to this total. The magnitude of the Multnomah County data to be converted created timing problems that could not be resolved on the normal time schedule.

On February 13, the governing body for the Oregon eCourt Project adopted a conversion strategy which will have the following features:

1. The entire 10.2 million cases will be split between inactive cases (80%) and active cases (20%), and will be copied from OJIN starting at 5:30 p.m. on May 5. OJIN data for Multnomah County will no longer be available from this date and time.
2. The two million active cases will be inserted into OECI beginning on Thursday evening, May 8. All 10 current courts that have converted to OECI will also be running on paper on Friday, May 9, and case data from these courts will not be available until Saturday, May 10 on OJIN OnLine.
3. On May 12, the circuit court will open for all business in the new system with the active cases. The blackout for OJIN OnLine Multnomah County case data will continue, however.
4. The 8.2 million inactive cases will be inserted into OECI over the weekend of May 17-19 and will be available to the circuit court on the morning of Wednesday May 21.
5. No data on Multnomah County cases will be available to OJIN OnLine subscribers until Tuesday morning May 27, under present expectations.

Starting on May 12, calendars will be posted online and hearing notices emailed during the remainder of the OJIN OnLine data blackout

For OJIN OnLine subscribers, this 21-day gap in access to case data includes both the active and the inactive cases. During

most of this period the circuit court will be operating in the new system. From May 10-20, the court's judges and staff will have access to the active cases, and to all of the cases after May 21. Judges will be conducting hearings and ruling on matters, documents will be scanned into OECI and staff will be filing and entering documents, producing, posting and distributing calendars for trials and hearing, and sending notices to parties of cases set.

It is not clear at this time if the public terminals in circuit court facilities will be able to access data during the 21-day blackout.

Orientations for OECI

Go to this address for a list of orientation sessions on OECI:

<http://courts.oregon.gov/Multnomah/docs/eCourtOrientationDatesForOJINUsers.pdf>

Starting in late March, there will be a series of sessions set in the Multnomah County Courthouse in the main jury room on Fridays. Check the schedule for dates and times.

Sign up for OJIN OnLine – access to documents will occur in the near future for OSB members and their staff

OJIN OnLine is the only way for the foreseeable future that users will be able to see OECI from locations other than a circuit court public service terminal. If you are not a subscriber to this service, you should become one, since OSB members will have access through OECI to documents entered on and after the court's implementation date.

OJIN.online@ojd.state.or.us
Office Hours: Monday-Friday
8 a.m. to 5 p.m.
1.800.858.9658



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Around the Bar



Michael Silvey

Lane Powell

Shareholder **Michael Silvey** was recently elected chair of the Proud Ground Board of Directors, a nonprofit community land trust that provides home ownership opportunities to first-time homebuyers of modest means. Silvey brings more than 40 years of experience working in real estate law to the board.



Kathryn Kammer

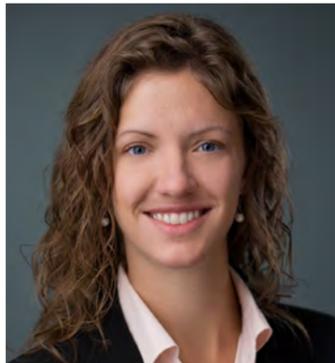
Miller Nash

Jonathan Singer and **Kellen Norwood** are new associates. Norwood will focus on supporting the firm's educational institution clients through the employment and education law practices, and Singer joins the litigation practice team, where he will focus on civil litigation with an emphasis on securities, products liability and other commercial matters.

Employment and education law attorney **Kathryn Kammer** was recently elected to the board of directors for the NW EEO/Affirmative Action Association, a nonprofit organization dedicated to providing education, resources and networking opportunities to employers, government agencies and individuals with regard to equal employment, diversity and affirmative action planning. Kammer focuses her practice on employment and education law. She regularly advises employers on personnel issues, and works with employers to ensure compliance with employment laws.



Max M. Miller Jr.



Claire Brown



Michael Millender



Ryan Bledsoe

Tonkon Torp

Environmental lawyer **Max M. Miller Jr.** has been appointed to serve on the OSB's Sustainable Future Section Executive Committee. The section supports sustainability within the Oregon legal profession through educational programs, examining the integration of law and sustainability, and facilitating dialogue about the needs and interests of future generations.

Claire Brown has been appointed to the board of Youth Progress, a nonprofit, independent living organization that provides Oregon youth with skills and structure to help them become successful community members. Brown is an associate in the corporate finance, entrepreneurial services and business law practice groups. With experience in finance and SEC enforcement, she counsels clients on various business and fundraising matters.

Michael Millender has joined the board of Portland Made, a new association of small local Portland-based manufacturers, local goods retailers and designers. The organization seeks to grow Portland's local manufacturing economy by educating policy-makers and the public about urban manufacturing, fostering job creation and vocational training, and marketing local goods by promoting those who make them. Millender is a partner in the taxation

and executive compensation & employee benefits practice groups. He advises clients on federal, state and local tax matters as well as employee benefits matters, including retirement plans, equity-based plans and fringe benefit plans.

Ryan Bledsoe has been added to the Oregon State Parks Foundation Board of Trustees. Bledsoe is a senior association in the firm's litigation group.



Mindy Stannard

McKinley Irvin

Mindy Stannard has joined the firm as an associate. With a decade of family law experience in Oregon, Mindy tackles clients' most difficult challenges with tenacity, and an eye for creative solutions.

Ogletree, Deakins et al

James Barrett and **Jennifer Nelson** have been elected to the position of firm shareholder.

Barrett represents private and public employers in all aspects of employment-related disputes. He has defended clients against single plaintiff and class action lawsuits involving claims relating to wage and hour disputes, drug testing, whistleblowing, discrimination, and retaliation. He has also successfully obtained injunctive relief to enforce non-competition agreements against a client's former employees.

Nelson focuses her practice on representing employers in a range of labor and employment matters, including class action claims involving discrimination, harassment, wrongful termination, and wage and hour issues. She has represented employers in state and federal courts, as well as before the Equal Employment Opportunity Commission, the Oregon Bureau of Labor and Industries, and the Washington Human Rights Commission. Nelson also counsels employers on issues including employee discipline and termination, wage and hour compliance, reasonable accommodation, and adherence to federal and state family and medical leave laws.



David W. Cramer

Martin Bischoff

John W. Knottnerus has been elected as managing partner. He will continue to concentrate his practice on product liability defense, insurance coverage and defense, and complex commercial litigation. He is a member of the Oregon, Washington and Alaska bars.

David W. Cramer has joined the firm as an associate. His practice will focus on civil litigation with an emphasis on products liability, defense of financial institutions and general insurance defense.



Shelly Matthys

St. Andrew Legal Clinic

Shelly Matthys has been named executive director of a not-for-profit clinic serving low-income families in the Portland area for the past 35 years.

Matthys, a staff attorney with the clinic for 16 years, most recently served as lead attorney and manager of the Multnomah County office. Her practice has focused on custody, parenting time, and support in cases of domestic violence, substance abuse, and mental health issues.

Schwabe Williamson & Wyatt

Aukjen Ingraham joined the firm's litigation practice as a senior counsel. Her practice focuses on catastrophic injury cases. She has extensive trial experience in business and commercial litigation, products liability defense and toxic tort defense. She has successfully represented major medical device manufacturers as well as large and small business owners in all aspects of litigation. Ingraham has also defended more than 25 wrongful death and catastrophic injury cases. She has experience in the areas of railroad law, third-party recovery, and contract disputes.



Josh DeCristo

JDC Law, LLC

Josh DeCristo recently spoke at the Outdoor Retailer Winter Market Expo in Utah. His talk focused on effectively managing product recalls from the perspective of companies in the athletic and outdoor industry.



Daniel J. Nichols

Gordon & Rees

Daniel J. Nichols has been elevated to partner. He represents businesses in complex litigation involving commercial disputes, including professional liability, construction defect, employment, real estate, and environmental matters.

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.

mba yls | EVENT

YLS/CEJ Trivia Night
Kells Irish Pub
112 SW 2nd Ave., Downtown Portland
Wednesday, March 26
5:30 - 8 p.m.

The MBA YLS and Campaign for Equal Justice are partnering for a trivia night for young lawyers. Prizes for trivia winner and best team name. Event starts at 5:30 p.m. with light appetizers provided and cash bar.

Register online at cej-oregon.org or sign up at the door.

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Tips From the Bench

by Judge Leslie Roberts
Multnomah County Circuit Court

Success depends upon previous preparation, and without such preparation there is sure to be failure.

Confucius



I have seen more instances than I wanted to see of lawyers whose case depended in part – sometimes in crucial part – upon some evidence that they are quite unprepared to defend against an objection. The evidence rules are very accessible. They are not difficult to understand. But if you are not prepared before trial to cite the pertinent rule, chapter and verse, then once you are in trial you will likely find yourself flailing in obvious confusion. The fast-moving minutes of trial are not the time to research which hearsay exception – if any – permits the offer of a particular document or why a particular bit of testimony is relevant to the issues presented in the pleadings. You have to have “previous preparation,” in the words of the sage.

One way to do this is to prepare a chart, based on your pleadings, outlining your proof on each issue for trial. Let us say you have an automobile injury case. You have alleged an accident, have alleged negligence in a particular way, and have alleged special and general damages. Given that outline, you will not have much trouble filling it in with notations of the witness testimony and the exhibits to support each point you will make.

The next step requires you to imagine that each of these kernels of evidence meets an objection. You should note on your outline, or chart, the rule that permits the evidence to come in.

Many times these notations are simple, obvious, and unnecessary. You enter your client, Mr. Client, as the witness to testify that he was driving in a certain direction and received a terrible blow from the side by a big red car, driven by Mr. Careless. Assume an objection. The relevant rules are 402 (general admission of relevant evidence) and Rule 601 (competency). If there is an issue about whether it was Mr. Careless at the wheel of the other car, however, it may be relevant that Mr. Careless told Mr. Client of his identity, and if so Rule 801 provides that the statement of a party opponent is non-hearsay, and as such admissible.

You repeat this thought process for each unit of required evidence. Some are stickier than others. Under the heading of damages, you want to enter “medical records.” Assume an objection. What are you going to do? Natural law does not make the records admissible. They can come in as a business record by a person qualified under the requirements of Rule 803(6). So

now you know you need that witness. But can you get them in without that witness? Try using a request for admission – but you have to have thought of that well before trial. Preparation, preparation, preparation.

Can you bring them in because your expert relied on them? Find a rule for the answer to that question. No – although an expert can give an opinion based on review of documents not admissible in evidence. Rule 703. The opposing party can, if desired, inquire into underlying facts or data on cross-examination. Rule 705. The way to do this is by questions – examination – not by simply narrating the content of the impeaching document: for instance:

Attorney: Did you review all the medical records before rendering your opinion, Doctor?

Answer: Yes I did.

Attorney: And did you rely on your review of the medical records?

Answer: Yes I did.

Attorney: Did you notice among the records the diagnosis of Dr. Plaintiff Friend?

Answer: Yes, but...

Attorney: Just a moment please: Didn't Dr. Friend diagnose my client as suffering from severe strain and sprain of the spine?

Answer: Yes, but I disagree.

Attorney: And didn't Dr. Friend do this after a physical examination of my client?

Answer: He says so....

Attorney: But you never examined my client, right?

Answer: Right.

Even though the medical file is not admissible *as substantive evidence* without a foundation as a business record, you can use that data as impeachment of the expert witness's damaging testimony, through questions and admissions by the opposing expert witness. Cross examination is still examination, so you must ask questions of the witness, in order to do this, rather than merely asserting (inadmissible) contrary opinions in the file; but your extraction of admissions that there is this contrary evidence is a far more dramatic and telling way of achieving the purpose, anyhow.

By *cross examination*, the opposing party can also impeach by questioning concerning contrary information in a reliable learned treatise. You

Continued on page 16



News from the Courthouse

by Peter Richter
Court Liaison Committee

Editor's Note: Please see page 7 for the most current eCourt implementation timeline.

Presiding Judge's Report Oregon eCourt Implementation Update

Judge Waller opened her report by thanking the MBA for its assistance in getting the word out to the metro area legal community on the May 12 implementation of Oregon eCourt in Multnomah County. She said it is her goal for no one to be caught by surprise with this change in both the format for the new system and the changes in data availability. She encouraged everyone to attend an orientation session on the new system before the Multnomah County implementation. She said that she and the trial court administrator are available to make office calls to firms to help spread the word.

As implementation approaches, she said, OJIN OnLine users must be prepared for the impact the implementation event itself will have on access to case data. It is estimated that this loss of access will be from May 5-26. This is twice the length of time for previous conversions. She pointed out that due to the size of the Multnomah County OJIN database the conversion will take longer and will result in a two-stage process with a longer blackout of available case data on OJIN OnLine. In the 10 previous courts, this loss of access was two weeks or less.

The Oregon eCourt Training Plan for Multnomah County was received in January. The plan presents a number of challenges for the court, all of which will be managed but not without impact on dockets and services. From March 17 through May 9, the training period, if you need to access court services, please remember that operational sections, depleted by cuts during the

last three years, will have even fewer staff to assist you with direct service in person or over the phone. Please have patience during this time.

The training for judges and their staff is concentrated from April 22 through May 9. During this time, many judges will be unavailable and many normal dockets will be reduced in duration or cancelled completely. Call will occur each day and Criminal Procedure Court will operate, but there will a noticeable reduction in assignments on some days when many judges are occupied with classroom work. To the extent that judges are available, however, cases will be assigned for proceedings.

Judge Waller said that the circuit court has been provided immeasurable assistance for Oregon eCourt Training by the Oregon Bankruptcy Court, which has provided its training space for the circuit court to use. Chief Judge Frank Alley, Clerk Charlene Hiss and Chief Deputy Clerk Marianne Young have been gracious and helpful neighbors and the circuit court is in their debt.

Moving beyond the implementation period, Judge Waller said, it is expected that eFiling will begin in the circuit court in July. This will begin with one or two firms serving as “pilots” for a couple of weeks to verify the court's various workflows and queues are configured appropriately for the eFiling integration. Then by mid-July, eFiling will be open for all to use. Judge Waller noted that it is her hope that eFiling will be used a lot by attorneys now that the usage fees have been removed, since each use directly benefits the court's operations.

With regard to eFiling, Judge Waller noted that HB 4066, presently pending in the Public Safety Subcommittee of Ways and Means, will make permanent the filing fee increases which are paying for the removal of all service fees from the eFiling system. That bill will also extend to the chief justice the authority, upon notice, to set fees for services in the

realm of electronic applications operated by the “Oregon Judicial Case Information Network.” Passage of this bill is important in securing members of the OSB remote access to court documents. Judge Waller said she wants every attorney to have document access to court records from their office.

Judge Waller noted that February 14 is Oregon's birthday as a state. She said that Oregon eCourt will be the biggest change in the Oregon Judicial system in 150 years.

Courthouse Update

Judge Waller said that there was a “kick-off” meeting for all the representatives of organizations with an interest in the new courthouse process. Bob Calo attended to represent the MBA. At the meeting there were presentations by the National Center for State Courts, DAY CPM Services, HDR Architects, and Partnership BC, Inc. In the succeeding months there will be a start on the site selection process, which, in the current plan, is scheduled to be completed and ready for Board of County Commissioners approval on October 22. Judge Waller thanked the MBA for all of its work over the years in helping to move forward the need for a new courthouse within walking distance of the Justice Center.

Vision for a Legal Resource Center

There is work going forward on the proposed Legal Resource Center. The center is currently the subject of a planning study being conducted by Center for Public Studies, Hatfield School of Government, in Portland State University, and jointly sponsored by Multnomah County and the circuit court. That study is expected in May. The center will serve as a digital gateway to web-based resources for lawyers and the self-represented.

Please see important Oregon eCourt Case Information implementation timeline on page 7.

MBA Director Nominees

Four three-year MBA director positions begin July 1. A ballot will be sent to members.



William "Todd" Cleek graduated from Willamette University College of Law in 1994. His practice focuses on business, real estate and estate planning.

Todd currently chairs the MBA CLE Committee. He formerly chaired the MBA Professionalism Committee. He also served on the MBA's 100th Anniversary Committee. He previously served as the MBA YLS President and chaired the YLS Service to the Public Committee.

School of Law in 2003. Her practice focuses on ethics, government and employment law. She serves as the OSB's Deputy General Counsel.

Amber currently chairs the MBA Professionalism Committee. She has also chaired the MBA YLS Service to the Public Committee, and helped found the YLS YOUthFILM Project. She is currently on the OWLS Board of Directors, and has worked on both OWLS Roberts Deiz Awards Dinner Committee, and Awards Committee, which she currently co-chairs.



Thomas Sand graduated from what is now Lewis & Clark Law School in 1977. He is a partner at Miller Nash LLP, where his practice focuses on business litigation.

Tom is a former president of the Multnomah Bar Foundation. He has also served on and chaired both the OSB and MBA Professionalism committees. Tom has volunteered with many other organizations, including the OSB Securities Regulation Section Executive Board, St. Andrew Legal Clinic Board, the Lewis & Clark

Law School Board of Visitors and the law school's Alumni Association's board. He has also served on the U.S. Bank of Oregon Advisory Board, the Northeast Legal Clinic Volunteer Lawyers Project, and the Portland Area Council of Camp Fire, Inc. Board of Directors.



Andrew Schpak graduated from Reed College in 2001 and Cornell Law School in 2004. He is a partner at Barran Liebman LLP, where his practice focuses on employment law advice and litigation.

Andrew is the MBA's Delegate to the ABA House of Delegates and is a past president of the MBA YLS. He also serves as the chair-elect of the ABA YLD, a delegate for Region 5 of the OSB House of Delegates, and chairs both the NW EEO/Affirmative Action Association and the Hollywood Theatre Board of Directors. He is certified as a Senior Professional in Human Resources and is admitted to practice in Oregon and Washington.

YLS Director Nominees

Four three-year positions start July 1. A ballot will be sent to members. Only YLS members may vote for YLS Directors.



Tyler Bellis graduated from the U of O School of Law and was admitted to the OSB in 2008. He practices in the areas of real estate and commercial law at McEwen Gisvold LLP. Tyler joined the YLS Membership Committee in 2011 and currently serves as chair of that committee. He is also a member of the CEJ Associates Committee, a Big Brothers Big Sisters Youth Mentor and a member of City Club of Portland.



Kevin Parks graduated from the U of O School of Law and was admitted to the OSB in 2009. He works at Parks Law Offices LLC and practices in the areas of employment, real estate, small business and general civil litigation. Kevin has been a member of the YLS Professional Development & Education Committee since 2010 and currently serves as chair of that committee. He is a member of the OSB House of Delegates, a

member of the Oregon League of Conservation Voters Multnomah County Steering Committee and a Friends of Land Air Water board member.



Mary Tollefson graduated from Willamette University College of Law and was admitted to the OSB in 2007. She is a family law attorney at Kramer & Associates. Mary joined the YOUthFILM Project Committee in 2011, has been a member of the YLS Service to the Public Committee since 2012 and currently serves as co-chair of that committee. She is an OSB mentor, has volunteered with the MBA Imprint Program and served as a volunteer judge for College Mock Trial Competition.



Jovita Wang graduated from the University of Washington School of Law and was admitted to the OSB in 2010. She is an associate at Miller Nash LLP and focuses her practice on business, commercial and employment litigation. She has been actively involved in the YLS, serving as chair of the Pro Bono Committee and most recently as director having been appointed to a vacant spot on the board in June 2013. Jovita also serves as both the treasurer and Communications Committee chair for the Oregon Asian Pacific American Bar Association.



Amber Hollister graduated from the University of Washington

Multnomah Bar Foundation

Meet Our New Foundation Directors

by Pamela B. Hubbs
Office and Foundation Administrator

The MBF has elected three new directors to its board: **Dana S. Scheele**, Cambia Health Solutions; **Melvin Oden-Orr**, Oden-Orr Law; and **Amy L. Angel**, Barran Liebman.

We asked our newest Board members why serving on the MBF Board was important to them.



Dana Scheele, Associate General Counsel, Cambia Health Solutions, "I joined the MBF after years of serving on MBA committees to more directly impact

how everyday people perceive the justice system. I started my career clerking at the Multnomah County Courthouse and think it is vital for citizens to engage and understand how important the judicial system is. The MBF, through the grants it distributes to support civic education, makes a real and tangible impact to further this goal."



Melvin Oden-Orr, founder, Oden-Orr Law, "I am excited and honored to join the Multnomah

Bar Foundation Board and to support its work promoting civic education. Over the past decade, I've had the privilege of working with programs like the Classroom Law Project and seeing the interest our young people have in how law and politics affect people's daily lives. It is indeed inspiring. I enjoy being a small part of that inspiration."



Amy Angel, Partner, Barran Liebman, "I first became involved with the Multnomah Bar Foundation through service on the CourtCare Campaign Committee, which I currently chair. After learning about the MBF's other programs and projects I became eager to get more involved. Civic education at every level strengthens our community and, as attorneys, I feel that we have a duty to

foster positive civic engagement outside of the legal profession. The MBF is a valuable link between Portland's attorneys and the top-notch, local organizations that do just that. I am extremely honored to now be a part of the MBF Board."

The mission of the MBF is to increase the public's understanding of the legal system, to promote civic education, public participation and respect for the law, to improve the quality and administration of the legal system, and to support programs and projects related to the MBF's purpose.

Young Lawyers Section

SAGE Advocates for Future Generations

by Anne McQuesten
YLS Futures Committee



In recent years, the challenges that face younger and future generations of lawyers have been at the forefront of consciousness for the legal profession as a whole. Many members of the MBA YLS are particularly concerned about the increasing cost of legal education and decreased opportunities for quality jobs in our profession. As the group that will bear the brunt of these challenges, it is natural for young lawyers to wonder if, at the end of the day, we'll be left to face these issues on our own, or if others will join in to advocate for our future.

Providing solace that future generations are not in it alone, a Portland-based nonprofit organization called SAGE (Senior Advocates for Generational Equity) is engaging older adults to address the challenges facing younger and future generations. Founded in 2011 by a group of Oregon lawyers and non-lawyers, SAGE is concerned about the social, environmental, and economic challenges facing coming generations, and inspires older adults to give forward with their time, talent, and passion to address those challenges.



The YLS Board congratulates YLS Board member Paige De Muniz on being named a shareholder at her firm.

SAGE is guided by the principle of fairness called generational equity – meaning that each generation should sustain or improve the quality of life for the next. Although SAGE's potential beneficiaries extend far beyond young and future lawyers, its guiding principle translates well to the legal profession. Steve Higgs, the Executive Director of SAGE, was an attorney in private practice prior to joining SAGE. Higgs notes that there is a distinct kinship between SAGE and the legal profession, in that lawyers are experienced advocates whose training allows them to anticipate issues, project the trajectory of challenges, and to put plans and actions in place to prevent or mitigate future adversity.

One of the ways SAGE inspires older adults to give forward is by facilitating socials and brown bag lunches to promote dialogue about the concerns facing future generations. Through these conversations, older adults are able to identify opportunities that were important in their own lives, thereby providing motivation to provide so that future generations may have similar opportunities. This September, SAGE also plans to offer a 10-month fellowship to train older adults to develop and launch their own local benefit projects. Although SAGE encourages people to invest in causes they are passionate about, SAGE is particularly concerned about the rising costs of education, environmental degradation, and economic insecurity facing children, youth, and future generations.

As lawyers, we advocate for our clients every day, but led by the example of groups like SAGE, we can also begin to do the same for each other - senior attorneys can provide opportunities and resources for young lawyers, and young lawyers can begin to foster the legacy they will leave for future generations. Because the success of SAGE's efforts depends on each generation sustaining or improving the quality of life of the next, attorneys reading this article at any stage of their life and career who are interested in SAGE are encouraged to visit wearesage.org to learn more.

Portland to Host ABA YLD Conference

Recently, the YLS sat down with Andrew Schpak, a partner with Barran Liebman, a former MBA YLS President, and the current chair-elect of the American Bar Association's Young Lawyers Division (ABA YLD), to discuss diversity within the YLD and the YLD Conference coming to Portland on October 9-11.



Andrew Schpak

The ABA YLD has a much broader reach than the MBA. What are some of the more recent diversity initiatives that the YLD has sponsored? The ABA YLD has a YLD Scholarship Program which funds a select group of diverse, solo, small firm, and government lawyers to attend national conferences and actively participate in YLD initiatives. The ABA YLD also hosts a diversity dialogue at each midyear meeting, which facilitates small group discussions of diversity issues over breakfast. Finally, the ABA YLD has the Next Steps Challenge, which is a contest recognizing the best diversity pipeline projects in the

country. The winner is actually awarded money to help expand the winning program's reach.

Bullyproof is the latest public service project from the YLD and the YLS has been developing its own version for use in the Portland area. Without giving too much away, what kind of things can we look forward to next year? Next year, we're going to focus on homeless and transition youth. It only takes a short walk through downtown or Old Town to see how significant the homeless problem is in our state. The program will include a "clinic in a box." It will also connect participating state and local young lawyer organizations to existing social service groups that serve the homeless and transition youth population. The goal is to provide legal assistance to the target demographic, including minor criminal and credit issues, as well as assistance with government benefits.

What has the YLD meant to your professional development? Everything. I have learned so much and connected with so many people as a result of my YLD involvement. I have taken some incredible CLEs, improved my speaking and leadership skills, networked with young lawyers from around the world, and learned about exciting ideas and projects that I was able to bring back to my home state.



With Portland hosting the YLD in October, what can people do to become involved? We have a host committee that is organizing the social events, raising sponsorship money, and recruiting attendees. We also welcome program proposals and have a form for submitting those proposals. Perhaps most importantly, we want to maximize attendance, so it would be great if people marked their calendars (October 9-11) and plan to attend!

What types of events in and around Portland are planned for October? We will have a small reception at the Pioneer Courthouse followed by a big welcome event at Kells. We're still trying to nail down the Friday night social event, but we are currently considering hosting an outdoor event at Director's Park. Finally, we're also organizing a wine tasting excursion for that Saturday afternoon.

Can anyone attend the conference? Yes!

Can anyone join the ABA YLD? The eligibility rules are pretty similar to those applicable to the MBA YLS. (Editor's note: Membership in the ABA YLD and the MBA YLS is free for attorneys with less than one year of practice.)

Ask the Associate

Dear Awesome Associate,
I am a first year associate and I just received two rush projects, both due on the same day. I don't think I can finish both of them on time. One is from a senior partner and one is from a senior associate. Should I focus my energy on the senior partner's project and blow off the senior associate's?

Slammed on Salmon St.

Dear Slammed,

Ah, the life of a junior associate. So many unrealistic deadlines, so little time. Although your instinct to blow off the senior associate may seem like a good way to deal with the conflicting deadlines, doing so could have some bad consequences.

For one, senior associates frequently deal with the day-to-day responsibilities on cases while a senior partner may seemingly operate behind the scenes working on big-picture strategy and/or providing the face for the client. If you blow off a senior associate's project, you may indirectly damage your relationship with the senior supervising partner. Do you

think that the senior associate will gladly take the blame for the untimely project without mentioning that it was assigned to you and not completed on time? Unlikely. In fact, the senior partner ultimately responsible for the case is probably already aware that the senior associate asked you to complete the project.

Second, bad impressions with a senior associate can have unexpected long-term consequences. Although the senior associate is "just an associate" now, in the near future the senior associate could become a partner. As a partner, this person might be inclined to inform his or her other partners that you are unreliable or untimely. Besides, blowing off projects certainly isn't good for one's reputation in a small legal community like ours if you happen to change firms down the road.

Third, it could be that the senior partner isn't as important of an ally as the senior associate could be in the long run. Maybe the senior partner doesn't care if the project is timely for some reason. Maybe the senior partner is

retiring soon. You may be working with the senior associate for many more years than the senior partner if you stay at the firm.

Finally, you never want to determine the way you treat people based solely on their status in the firm. Everyone deserves the same amount of respect, regardless of their rank. What you should do when faced with the deadline conundrum is communicate with both parties. As soon as you realize you will not be able to give your best work in the time provided, you should immediately inform both the senior partner and the senior associate that you are worried about timely completing their projects. Ask if there is any flexibility in the deadline. Offer to find another associate to take on one of the projects. If necessary, cancel other non-urgent meetings or delay other projects that can be delayed. Use creative solutions to solve your problems. Usually, there is a way to deal with the conflicting deadlines while preserving your spotless reputation.

Yours truly,
Awesome Associate

Send your questions to Awesome Associate at mba@mbabar.org.

Getting to Know the Oregon Innocence Project Q&A with Bobbin Singh

by Traci Ray
YLS President

My computer chimed and I was reminded that Aliza Kaplan, Associate Professor at Lewis & Clark Law School, and Bobbin Singh, executive director at Oregon Justice Resource Center, were visiting in five minutes. I quickly checked my email once more, and headed to our lobby. Upon shaking hands with my two new colleagues, I was treated to a thoughtful, organized, and impressive discussion about the Oregon Innocence Project (OIP) – why Oregon needs this program, the plans to make this project come alive, and what my firm and I could do to help. When Aliza and Bobbin left, I went back to my computer, minimized my email screen, and searched for OIP on the Internet. What I found was shocking. Oregon is the only state to not have its own Innocence Project, which was founded nationally in 1992. Since then, 300+ people in the United States have been exonerated by DNA testing alone, including 18 who served time on death row. These wrongly convicted people served an average of 13 years in prison before exoneration and release. I have to admit, I was saddened at first. But I was also filled with pride that through the hard work of folks like Bobbin and Aliza, along with Lane Borg, the executive director with the Metropolitan Public Defender, and Janis Puracal, an attorney with Bullivant Houser Bailey PC, the Oregon has its opportunity to launch its own Innocence Project chapter. In hopes of spreading the word and obtaining even

more details about the Oregon Innocence Project's plans, I sat down with Bobbin and asked some of the same questions from our first meeting, but this time with the notion to share his responses with the MBA and MBA YLS.

Traci: Can you please give us an overview of the Oregon Innocence Project (OIP)?

Bobbin: The Oregon Innocence Project provides pro bono legal and investigative services to individuals who have been convicted and are spending their lives in our prisons for crimes they did not commit, despite compelling evidence of their innocence. OIP will be dedicated to securing the release of those wrongfully convicted inmates in Oregon and will be the only program of its kind in the state. That is, OIP will be the only program within Oregon whose sole purpose is to actively track inmates' claims of innocence, investigate those claims, test DNA and other scientific evidence, and litigate when appropriate - all at no cost to the inmate or the inmate's family. The purpose of the project is to increase the accuracy of the criminal justice system, resulting in greater public safety. OIP, a joint project of the Oregon Justice Resource Center (an independent nonprofit based out of Lewis & Clark Law School) and Metropolitan Public Defender, is set to launch in April.

Traci: What are OIP's main goals and objectives?

Bobbin: OIP's mission is to

(1) exonerate the innocent, (2) educate and train law students, and (3) promote legal reforms aimed at preventing wrongful convictions. In addition, OIP will work with community partners to build support for comprehensive criminal justice reform to improve eyewitness identification, interrogation techniques, discovery practices, and other Oregon policies that do not serve to protect the innocent or punish the guilty, and, in fact, have proved to be the leading causes of wrongful convictions.

Traci: Why do we need our own Innocence Project in Oregon?

Bobbin: As you know, Oregon is the only state in the country without an innocence project or program. To make it worse, projects in our neighboring states (Washington, California, and Idaho) are under the strain of high demand in their own states leaving Oregonians without hope.

According to the National Registry of Exonerations (a joint collaboration between Michigan and Northwestern Law Schools), more than 1,300 people in the United States have been wrongfully convicted and exonerated since 1989. The year 2013 was a record year for exonerations in the United States. The National Registry announced on February 4 that there were 87 exonerations from 25 different states in one year. In about a fifth of those exonerations, DNA evidence proved that the convicted individual could not possibly have committed the crime. Fifteen of the exonerations occurred in cases in which the defendants falsely confessed, and 33 were obtained at the initiative or with the cooperation of law enforcement and prosecutors. These known and documented exonerations are, unfortunately, just the tip of the iceberg. Some estimate the rate

of wrongful convictions among violent felonies may be up to 4%.

Oregon is not exempt from error. Like every other state, ours is susceptible to the same causes of wrongful convictions, such as mistaken eyewitness identification, false confessions, and invalidated or improper forensic science. In fact, even without an Innocence Project in the state, seven people have been exonerated over the last 20 years in Oregon. As of February 1, the Oregon Department of Corrections reports that there are 14,634 men and women in our prisons. Without a program in Oregon that focuses solely on wrongful convictions, there is no accurate way to know just how many of these prisoners have been wrongfully convicted.

As lawyers and Oregonians, we believe in a fundamental system of justice. When that system of justice fails, it is up to us to put it right.

Traci: What can our legal community do to help OIP?

Bobbin: Even before opening its doors, OIP has already become involved as amicus in cutting-edge legal cases that are on the forefront across the country of the innocence movement. These cases are putting Oregon on the map. We need help because there is work to be done and the legal community can help us in three important ways. First, donate. OIP operates at no cost to the individual or their family members, who often cannot afford the financial burden. To do this, we need to raise \$135,000 each year to pay for one staff attorney, investigators, testing, case screening, and the overall expense of litigation. Second, spread the word. Vital to the success of OIP is strong relationships around the state with stakeholders and supporters. The epidemic of wrongful convictions is a community problem that



Bobbin Singh, Aliza Kaplan & Janis Puracal; photo by Jules Garza

requires a community response. Third, be a part of it. Attend our events, including our launch party on April 9, and sign up for pro bono and volunteer opportunities to come.

Traci: Let's hear some more about this kick-off event!

Bobbin: OIP will officially launch in April with a kickoff event featuring famed lawyer Barry Scheck, co-founder and co-director of the national Innocence Project. The event will take place on April 9, from 6-7:30 p.m., with Honored Guest Meet-and-Greet from 5-6pm, at Stoel Rives LLP. Visit oregoninnocence.org for more information and to register.

Traci: Thanks for taking the time to share more about OIP with us, Bobbin, and for introducing the program to our members. The MBA YLS and MBA are rooting for the OIP, and together were are proud to be able to support the OIP with a \$500 sponsorship. I look forward to the kick-off event, appreciate the dedication and hard work from you and your colleagues in turning the OIP into a reality, and am excited for the meaningful impact the OIP will have on our community and justice system. Best of luck!

Michael Fuller Pro Bono Spotlight

by Nina Englander
YLS Pro Bono Committee

Michael Fuller, chair of the Consumer Protection Group at Olsen Daines, does not shy away from pro bono challenges. Fuller recently took on a difficult pro bono case less than 24 hours before trial - and won. In the case, Sallie Mae was suing a consumer for money allegedly owed on student loans. The consumer disputed that the student loans had been dispersed and claimed that there were defects in the student loan documentation. The consumer represented himself pro se through arbitration. When the arbitrator rendered a judgment in favor of Sallie Mae but reduced the claim amount, Sallie Mae appealed and requested a trial in circuit court. The case landed on Fuller's desk on the eve of trial. "I was told that trial was in less than 24 hours, that there was no Answer filed yet and that the consumer didn't have all of the documents," Fuller said. Undeterred, Fuller agreed to represent him pro bono.

That very evening, Fuller met with his client at his home office, drafted an Answer and counterclaims, marked trial exhibits and prepared his client to testify. Fuller also contacted counsel for Sallie Mae and identified counterclaims he intended to file on behalf of the consumer. A few hours later, Fuller received an email from Sallie Mae's counsel indicating that Sallie Mae was interested in reaching settlement. Fuller informed opposing counsel that his client would release the counterclaims if Sallie Mae would dismiss its lawsuit with prejudice. On the morning of trial, Sallie Mae presented Fuller with a judgment of dismissal with prejudice and walked away with nothing.

Cary Flitter, a prominent consumer litigation professor who initially sought assistance on behalf of the consumer, praised Fuller for doing "one incredible job," and called the result "tremendous."



Michael Fuller

Flitter further praised Fuller for creating leverage through his strategic use of counterclaims against the attorney debt collectors.

Fuller specializes in consumer bankruptcy litigation and regularly volunteers at the Legal Aid Services of Oregon's Bankruptcy Clinic. He also takes pro bono cases through the Oregon District Court's Pro Bono program. In his first case with the program, he helped secure \$80,000 for an inmate alleging cruel and unusual punishment. "I just feel lucky to be part of a profession that places such an emphasis on helping the poor," says Fuller, a member of the MBA YLS Pro Bono Committee.

mba yls | EVENT

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9 a.m. - 1 p.m.

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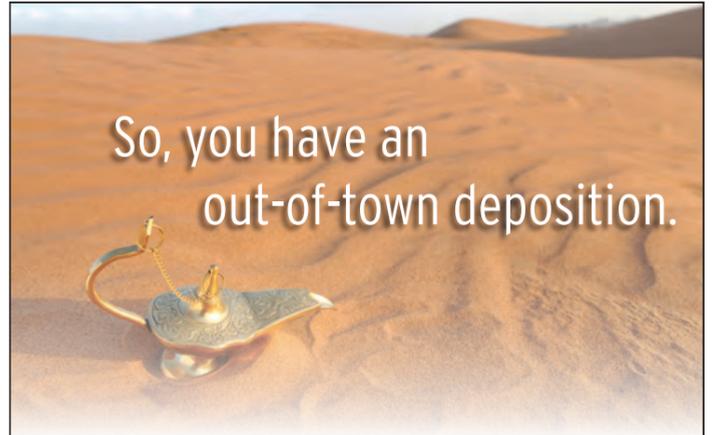
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Tips From the Bench

Continued from page 10

cannot assert that the treatise has this character. You should be prepared to establish the resource as reliable treatise by the admission of the witness or by other competent evidence. The treatise itself is not admissible. Rule 706.

Once you have completed your outline, or chart, you are prepared to defend the evidence you need, against objection.

But perhaps there is testimony that you want to have before the jury even if it doesn't support a particular allegation. You want to

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Positions

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with writing sample Attn: Office Administrator, Cecelia Connolly, cconnolly@yatesmatthews.com. All inquiries will remain strictly confidential.

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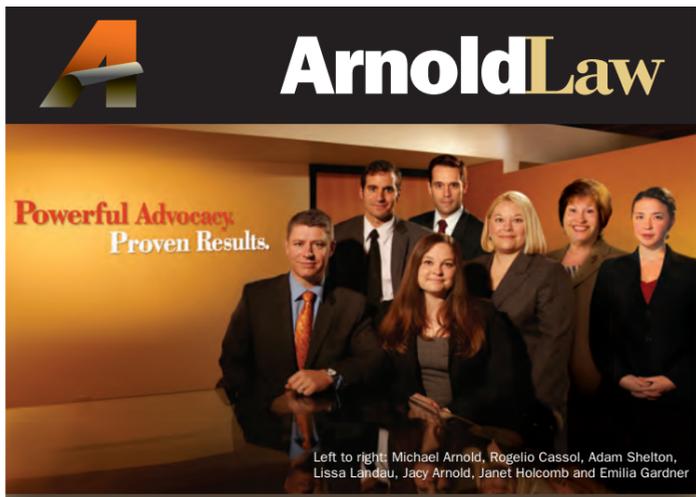
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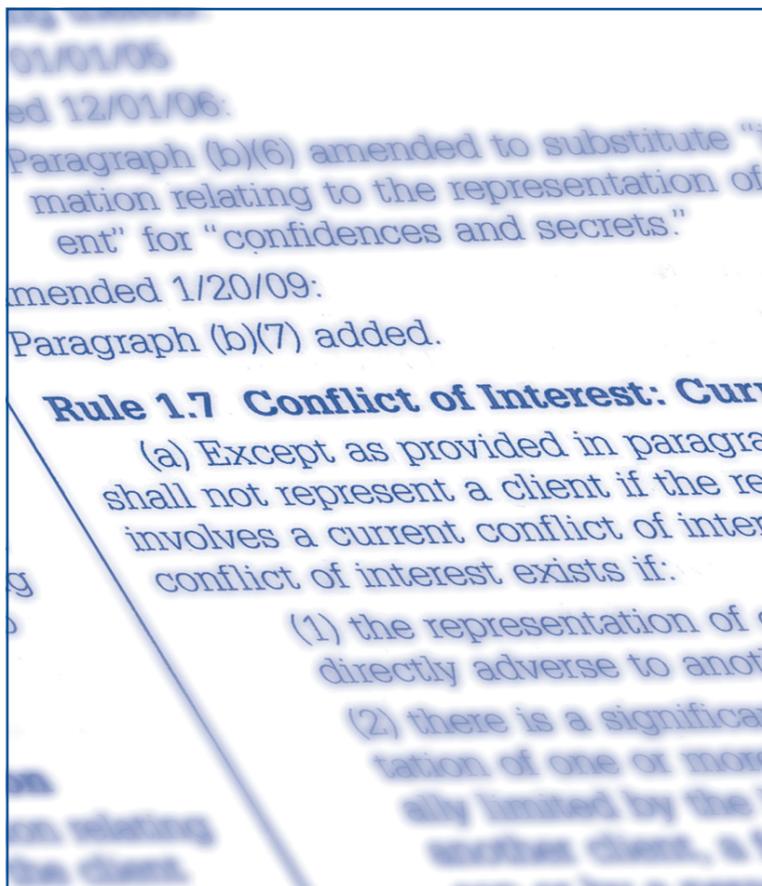
March 18th, 2014
12:00 - 1:30 pm

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The Multnomah Bar Foundation begins a development drive in March to fundraise for civic education. The MBF makes annual grants to local nonprofits whose programs educate our citizens about the rule of law, the need for an independent judiciary and the importance of juries. Your support will help us continue this important work. For more information, visit mbabar.org or call 503.222.3275.

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MBA Board of Directors Slate Announced

The MBA Nominating Committee announces its slate of new directors for the term of July 1, 2014 – June 30, 2017. A profile of each candidate is included on p. 11 and a voting ballot will be sent to members.

W. Todd Cleek, Cleek Law Office, LLC
Amber A. Hollister, Oregon State Bar
Thomas C. Sand, Miller Nash LLP
Andrew M. Schpak, Barran Liebman LLP

The MBA Board elected the following officers for the July 1, 2014 - June 30, 2015 term:

Dana L. Sullivan, Buchanan Angeli Altschul & Sullivan LLP, President
Bob Steringer, Harrang Long Gary Rudnick PC, Treasurer
Elizabeth N. Wakefield, Metropolitan Public Defender, Secretary

YLS Board of Directors Slate Announced

The YLS Executive Committee announces its slate of new directors for the term of July 1, 2014 – June 30, 2017. A profile of each candidate is included on p. 11 and a voting ballot will be sent to members. Only YLS members may vote for YLS Directors.

Tyler J. Bellis, McEwen Gisvold LLP
Kevin E. Parks, Parks Law Offices LLC
Mary E. Tollefson, Kramer & Associates
Jovita T. Wang, Miller Nash LLP

The YLS Board elected the following officers for the July 1, 2014 – June 30, 2015 term:

Jeanne K. Sinnott, Miller Nash LLP, President
J. Mackenzie Hogan, Harris & Bowker LLP, President-Elect
Micah R. Steinhilb, Gordon & Polscer LLC, Treasurer
Tyler J. Volm, Barran Liebman LLP, Secretary



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