



Pro Bono Help is Needed Now More than Ever

by Dana Sullivan
MBA President

Like the ABA, the OSB, and state and local bar associations nationwide, the MBA devotes special attention during the month of October to pro bono service.

These events are intended to spread the word about the increased need for pro bono services and to celebrate the outstanding work of lawyers who volunteer their services throughout the year.

We should take pride in the work being done

We have much to be proud of in Oregon. Unfortunately, it is impossible to gauge accurately the number of pro bono hours logged by Oregon lawyers because fewer than 15% of OSB members report their pro bono service to the bar. Nevertheless, the membership survey conducted by the MBA last spring revealed that well over half of our members perform pro bono work. According to Maya Crawford, supervisor of Legal Aid's Volunteer Lawyers Project (VLP), attorneys who volunteered through VLP donated 9,000 pro bono hours last year and handled 2,000 cases. And VLP is only one of many pro bono programs. The OSB's listing of certified pro bono programs (i.e. programs through which PLF coverage is provided) includes more than 50 organizations statewide. This list can be found at www.osbar.org. The MBA also publishes a list of pro bono opportunities that includes over 35 programs in Multnomah County.

Many pro bono programs ... provide training to volunteers.

There may be fewer obstacles than you'd think

The MBA asked survey respondents to identify the barriers that made it difficult to do pro bono work. Our members offered a variety of impediments including lack of time, lack of PLF-coverage as a retired attorney or as an in-house counsel, lack of experience in the areas of law where services are most needed, and lack of information about available opportunities and the time commitment required for each. While I am sad to say that I have not devised a way to add hours to the day (oh, if only), happily, several of the other obstacles identified by our members are easily overcome.

For example, retired attorneys or in-house counsel need not be deterred from providing pro bono services because they are not active members of the Oregon bar. The OSB permits retired attorneys and those who are licensed elsewhere but working in Oregon to become licensed in Oregon for the limited purpose of doing pro bono work. Lawyers who opt for this "active pro bono" or "active emeritus" status need not pay for their own PLF coverage if they perform their pro bono work through a program certified by the OSB and they are exempt from MCLE requirements.

Those attorneys who are concerned that they cannot offer pro bono services because they are unfamiliar with family law, landlord-tenant law, or other practice areas that are frequently the focus of pro bono programs, need not let their lack of expertise in these areas be an obstacle. Many pro bono programs, including the VLP, provide training to volunteers. Further, there are needs to be served by attorneys in nearly every area of practice. While a business attorney may understandably

be leery about taking on a landlord-tenant matter, she can provide a valuable service advising clients without charge.

There is an increasing need for direct representation of low-income individuals

The need for attorneys to offer pro bono legal services to individuals unable to afford counsel is acute. According to representatives of Legal Aid Services of Oregon, the percentage of individuals eligible for legal aid services in Oregon increased 65% between 2000 and 2011. Legal Aid is only able to meet the needs of 15% of eligible individuals.

At the same time that need is increasing, some of the programs that traditionally serve low-income clients are in jeopardy. For years, law schools have run legal clinics that serve the dual purpose of providing free legal representation to low-income individuals and providing students with practical experience. Dean Jennifer Johnson of Lewis & Clark Law School recently announced that the law school will be closing the Lewis & Clark Legal Clinic effective December 31. The Lewis & Clark Legal Clinic has traditionally offered students opportunities to handle a variety of civil and administrative disputes and issues, including family law, consumer law, bankruptcy, and landlord-tenant law. This clinic was the first, and for a period of time the only, legal clinic that Lewis & Clark offered. According to Dean Johnson, because of the pressing need to contain tuition costs, the law school needed to restrict its in-house clinics to those with significant fundraising potential. Without outside funding, law school clinics must rely on tuition dollars, adding to the cost of legal education.

The need for attorneys to offer pro bono legal services ... is acute.

Pro bono can include a broad range of services and is not restricted to direct representation of low-income individuals, although direct representation is emphasized. The OSB's bylaws include a provision encouraging attorneys to perform 80 hours of pro bono services each year. Section 13.1 of the OSB bylaws defines pro bono broadly as "all uncompensated services performed by lawyers for the public good" and includes "civic, charitable and public service activities; as well as activities that improve the law, the legal system and the legal profession." This aspirational standard also recognizes the critical need for direct representation by encouraging attorneys to devote 20 to 40 hours or to handle two cases involving the direct provision of legal services to the poor.

What is your "pro bono action item"?

I want to conclude by thanking each MBA member for all of the work that you do for your clients, for the profession and for your communities. I recognize that we are all stretched thin and need to safeguard time for our families and for activities that help us counter-balance the stress of our practices. I also want to ask each of you to consider, during the month of October, to identify a "pro bono action item" for yourself. Whether it's attending the OSB's Pro Bono Fair on October 23 to explore what opportunities are available, signing up to volunteer for a particular project, or even simply going to the OSB website and reporting the pro bono work that you have recently done, we should all take a moment this month to consider the importance of pro bono and what role we might play in the legal community's collective effort to improve access to justice.

mba|EVENT

MBA Absolutely Social

The Grape Escape
featuring Wine Tasting
Thursday, October 23
The University Club
5-7 p.m.

Drop in after work and catch up with friends and colleagues.

See insert for details to RSVP.

Thank you, sponsors!

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mba|CLE

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

OCTOBER

10.1 Wednesday Privilege & Ethics Issues Related to In-House General Counsel within a Small or Mid-sized Law Firm

Bruce Schafer
Mark Fucile
Dan Keppler

10.2 Thursday Oregon Benefit Companies: Merging Profit & Public Benefit

William Campbell
Jeffery Wolfstone

10.14 Tuesday How the Cloud, BYOD, & Social Media are Rapidly Changing eDiscovery & Investigations

Eli Rosenblatt

10.28 Tuesday Should I Stay or Should I Go? What to Think About when Considering Withdrawing from a Case

Judge Anna Brown
Ron Hoevet
Matt Levin
Roy Pulvers

10.30 Thursday Getting on the Ballot: A Guide to Ballot Initiative Law in Oregon

Steve Berman
Jill Gibson
Linly Rees

NOVEMBER

11.5 Wednesday Child Abuse Reporting

Amber Hollister
Joe O'Leary

11.18 Tuesday The Portland Harbor Superfund Site Demystified

Max Miller
J.W. Ring

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*or the preceding Friday, if on a weekend.

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Renew Your MBA Membership for 2015

Fall has arrived, and so too has the time to renew your membership. Here are just a few reasons to continue with the MBA:

- Discounted MBA CLEs and an online library of programming available 24/7
- Socials, volunteer outings and other networking opportunities
- The *Multnomah Lawyer* newsletter, MBA ENEWS and the website keep you informed
- Members-only discounts from business service providers
- Access to the MBA group health insurance plan for members with at least one W2 employee

As an added benefit, **renew for 2015 by December 31 to receive a \$50 credit toward CLE programming.** Visit mbabar.org to renew today.

Resources for Pro Bono Attorneys

LOCAL RESOURCES:

Multnomah Bar Association

www.mbabar.org/about-us/pro-bono.html

Take the Pro Bono Pledge and find information on local pro bono opportunities and how to create a customized pro bono policy for your office. Download free CLEs from the MBA member section.

Oregon State Bar

www.osbar.org/probono

Find information on pro bono in Oregon that includes volunteer opportunities, attorney resources, PLF coverage for pro bono, pro bono committees and types of membership status based on pro bono activities.

Oregon Advocates

www.oregonadvocates.org

This statewide advocate's website is sponsored by the legal aid community in Oregon and features a substantive law library as well as free CLEs for pro bono attorneys. Membership is free. Once you are a member, sign up for ProBonoOregon, a weekly listserv offering pro bono cases for attorneys.

Oregon Law Help

www.oregonlawhelp.org

Free legal information to low income Oregonians is provided through this one-stop, statewide website sponsored by legal aid offices in Oregon. Self-help

handbooks are available for download by laypersons and feature applicable statutes, remedies, forms and sample letters. These handbooks are great primers for the basics in some common areas of law.

211 Social Services Referral

www.211info.org

211 provides assistance in finding health and community organizations in the Oregon and SW Washington geographical region. Professional intake staff is available 24 hours a day by dialing 211 on your phone or the referral system can be accessed through the website.

NATIONAL RESOURCES:

American Bar Association

www.americanbar.org/groups/probono_public_service.html

The ABA Standing Committee on Pro Bono & Public Service is a national source for pro bono information and resources.

The Pro Bono Institute

www.probonoinst.org

The institute specializes in supporting the pro bono work of law firms and corporate legal departments.

Pro Bono Net

www.probono.net

This site provides regional, national and international resources for attorneys working to assist low income clients.

Tools to Help Your Firm Incorporate Pro Bono into its Practice

"Take a Matter that Matters" by taking the MBA Pro Bono Pledge at www.mbabar.org/AboutUs/ProBono.html

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

Find pro bono opportunities at both the MBA and the OSB Websites
www.mbabar.org/AboutUs/ProBonoOpportunities.html
www.osbar.org/probono/VolunteerOpportunities.html

Calendar

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

OCTOBER

10.2 Thursday
MBA Battle of the Lawyer Bands

Visit mbabar.org for details

10.7 Tuesday
MBF Fall Social

Visit mbabar.org for details

10.9-11, Thursday-Saturday

ABA YLD Conference

See p. 12 for details

10.15 Wednesday
OWLS Disability CLE & Reception

Visit oregonwomenlawyers.org for details

10.18 Saturday

OGALLA Annual Dinner

Visit ogalla.org for details

10.23 Thursday

Pro Bono Fair

See p. 11 for details

10.23 Thursday

MBA Absolutely Social

Visit mbabar.org for details

10.24-25 Friday-Saturday

OPA 35th Annual Convention

Visit opaconvention.com

for details

10.30 Thursday

St. Andrew Legal Clinic Taste for Justice

Visit salcgroup.org for details

NOVEMBER

11.6 Thursday

USDC Historical Society

Annual Dinner

Visit usdchs.org for details

11.8 Saturday

Youth Rights & Justice Wine & Chocolate Extravaganza

Visit youthrightsjustice.org

for details

11.13 Thursday

Bench Bar & Bagels

Visit mbabar.org for details

11.27-28 Thursday-Friday

Thanksgiving Holiday

Recognize those who help

Watch for the nomination form in the January issue

MBA • LASO • OLC Pro Bono Awards

Senior Project Volunteer of the Year

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

Michael E. Haglund Pro Bono Award

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

Pro Bono Award of Merit

For exemplary pro bono work



MEMBER BENEFIT

Office Depot

MBA Members receive up to a 40% discount on office supplies.



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.

Privilege & Ethics Issues Related to In-House General Counsel within a Small or Mid-sized Law Firm

Wednesday, October 1, 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 OSB MCLE ethics credit.

To what extent can lawyers within the same small or mid-sized law firm communicate confidentially regarding an ethics or malpractice issue involving a current client? The Oregon Supreme Court decision in *Crimson Trace v. Davis Wright Tremaine LLP*, 355 Or 476, ___ P3d ___ (2014) resolved privilege issues in the context of a large firm but did not consider whether a smaller firm may have in-house counsel and the relevant privilege, client relations, and ethics questions that may arise. Join **Dan Keppler** of Kennedy Watts Arellano LLP, **Mark Fucile** of Fucile & Reising LLP, and **Bruce Schafer** of the Professional Liability Fund, who will discuss the privilege implications of the *Crimson Trace* decision, unresolved ethics concerns, and risk management issues related to small and mid-sized firms having in-house counsel.

For more information:

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

Oregon Benefit Companies: Merging Profit and Public Benefit

Thursday, October 2, 2014
3:00-5:00 p.m.

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

Almost a year has passed since Oregon authorized the formation of Benefit Company entities. Join Lane Powell Shareholder, **Jeffery Wolfstone** and Equilibrium Capital Co-Founder, **William Campbell** for an informative discussion of the past present and future of Oregon's B Companies. If you have business clients who combine profit motive with altruistic purposes, this program is for you.

For more information:

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

The Devil's in the Details: How the Cloud, BYOD & Social Media are Rapidly Changing eDiscovery & Investigations

Tuesday, October 14, 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 a two-hour program led by experienced Social Media Forensic Investigator **Eli Rosenblatt**, CFE, CFI, MiCFE, SMIA, CCDI, of iBridge LLC. Topics to be discussed include:

- How non-tech professionals can better understand the whirlwind world of digital evidence and eDiscovery
- Bring-Your-Own-Device-to-Work (BYOD) issues
- The explosion of social media and burgeoning technologies in litigation
- Best practices for working with professional social media investigators, security experts and others

For more information:

Call Sim Rapoport of iBridge at 503.906.3933. For registration questions, call the MBA at 503.222.3275.

Should I Stay or Should I Go? What to Think About When Considering Withdrawing from a Case

Tuesday, October 28, 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 OSB MCLE ethics credit and 1 hour of general credit.

Even the best and most conscientious lawyers occasionally find it necessary to consider withdrawing from a pending case. In this program, our panelists – **Judge Anna Brown**, ethics attorney **Roy Pulvers**, civil litigator **Matt Levin**, and criminal defense attorney **Ron Hoevet** - will discuss the legal, ethical, and practical considerations associated with this decision.

For more information:

Call Kevin Sali, Kevin Sali LLC at 503.329.3598. For registration questions, call the MBA at 503.222.3275.

Getting on the Ballot: A Guide to Ballot Initiative Law in Oregon

Thursday, October 30, 2014
3:00-5:00 p.m.

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

In nearly every election, Oregon voters are asked to weigh in on a variety of state and local initiatives. But how do those initiatives end up on the ballot in the first place? Join **Steve Berman** of Stoll Berne, **Jill Gibson** of the Gibson Law Firm, and **Linly Rees** of the Portland City Attorney's Office for a lively discussion of the law regarding state and local ballot initiative processes in Oregon from a proposed initiative to election.

For more information:

Call Keil Mueller, Stoll Berne at 503.227.1600. For registration questions, call the MBA at 503.222.3275.

Child Abuse Reporting

Wednesday, November 5, 2014
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, and **Joe O'Leary**, Deputy Director of the Oregon Youth Authority will present a lively and practical discussion of the issues.

For more information:

Call the MBA at 503.222.3275.

Register using the form on the next page

The Portland Harbor Superfund Site Demystified

Tuesday, November 18, 2014
3:00-5:00 p.m.

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

Whether you are a business litigator or a transactional lawyer, your clients and practice may be impacted by the Portland Harbor Superfund Site, one of the largest and most complex Superfund sites in the country. Join two distinguished environmental law practitioners, **Max Miller**, Tonkon Torp and **J.W. Ring**, Ring Bender, who will demystify the law and the science behind this site and give practical insights into how the assessment of liability and the selection of the remedy may impact a broad range of businesses.

For more information:

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

MBF Grant Recipient Elders in Action Promoting Civic Awareness for Older Adults

by Dana Scheele
Cambria Health Solutions

The MBF awarded Elders in Action, a nonprofit serving older adults in Multnomah County, a grant in 2013 to develop a *Civics 101* curriculum and promote civic awareness for older adults. I recently had the opportunity to sit down with Leslie Foren, Executive Director of Elders in Action, to learn more about the organization and the program developed with MBF grant funds. Leslie joined Elders in Action in 2001 as a program specialist holding various positions until her promotion to executive director in 2012.



Elders in Action was established in 1968 on the heels of the 1965 passage of the Older Americans Act, the first federal level initiative aimed

at providing comprehensive services for older adults, defined as age 60 and older. The act created the Administration on Aging, state units on aging and area agencies at the local level. Among these organizations, funding is provided for nutrition and supportive community-based services, health promotion services and elder rights programs. Meals on Wheels and senior centers are funded through the act as well as community organizations like Elders in Action, whose mission is “to assure a vibrant community

through the active involvement of older adults.”

Pursuant to the act, Elders in Action receives 75% of its budget from state,

county and city resources. The remaining 25% is donated by individual and corporate donors, raised by program fees charged for evaluating

local businesses to determine whether they exhibit age-friendly practices, and provided through foundation grants. The organization also strongly relies on over 150 dedicated volunteers, who donated 12,175 volunteer hours in 2013. Elders in Action volunteers advocate on behalf of older adults, assist in recovering money for older adults victimized by fraud or other financial problems, educate the public on various resources available in the community and audit local businesses to identify age-friendly business practices. Businesses identified as “age-friendly” are promoted on the Elders in Action website and through social media networks. Multiple local attorney volunteers assist the organization with advocating for and representing older adults who need legal assistance.

Elders in Action applied for the MBF grant with four goals in mind: (1) developing a *Civics 101* curriculum, (2) facilitating five presentations on civics issues, (3) recruiting three minority elders to the Elders in Action Commission and (4) conducting two field trips to a city council hearing, county commission meeting or neighborhood board meeting. The organization utilized volunteers and project staff to develop the *Civics 101* curriculum with five presentations taking place in

Continued on page 19

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.

CLE Registration Form

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

NAME _____	ACCOUNT NUMBER _____
FIRM _____	EXPIRATION DATE AND SECURITY CODE _____
ADDRESS _____	SIGNATURE _____
CITY _____ STATE _____ ZIP _____	BILLING ADDRESS FOR CARD (if different) _____
PHONE _____	_____
OSB# _____	_____

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 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.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.

10/1 Privilege and Ethics Issues Related to General In-House Counsel

- Class Registration Online (\$50 Members/\$80 Non) _____
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10/2 Oregon Benefits Companies: Merging Profit and Public Benefit

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

10/14 The Devil's in the Details: Cloud, BYOD & Social Media

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

10/28 Should I Stay or Should I Go? Withdrawing From a Case

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

10/30 A Guide to Ballot Initiative Law in Oregon

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

11/5 Child Abuse Reorting

- Class Registration Online (\$30 Members/\$50 Non) _____
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 CD-ROM & Written Materials (\$35 Members/\$55 Non) .. \$ _____

11/18 The Portland Harbor Superfund Site Demystified

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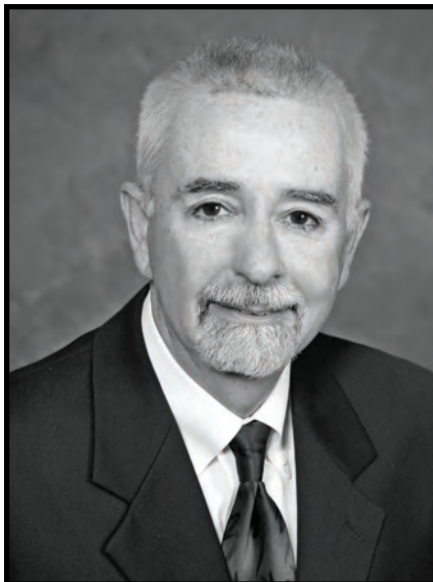
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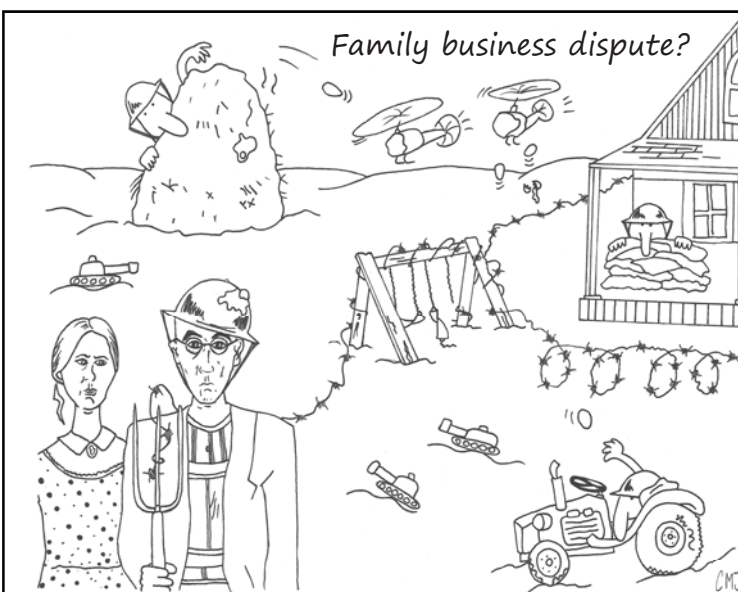
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mba | ANNOUNCEMENTS

Take the Multnomah County Central Courthouse Survey

The Multnomah County Board of Commissioners will be making decisions about the new courthouse location, look and functions. The community is asked to participate in the survey at the link below to help provide the commission with much-needed input. multco.us/central-courthouse/news/take-central-courthouse-community-survey

MBA Professionalism Award Nominations due Friday, October 31

The MBA Professionalism Award is one of the most highly regarded honors an attorney in our area can receive. You are strongly encouraged to nominate a member who meets the criteria for the award, which can be found on the nomination form inserted in this issue.

New Free CLE Content for Members

The video webcast of the seminar entitled "Tax Planning for the Taxable Estate" is now available in the Members Center at mbabar.org. The seminar is worth two hours of general OSB MCLE credit. MBA members receive access to a rotating selection of six different CLE seminars each year – a \$300 value. The free webcast content is refreshed every two months, so stay tuned!

Take a Matter that Matters

Sign the MBA Pro Bono pledge at mbabar.org/about-us/pro-bono.html and commit to taking at least one pro bono case this year.

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.

At the Corner of Law Practice and Disability CLE and Reception

Join OWLS on October 15 from 3-5 p.m. at Stoel Rives for this thought-provoking program followed by a reception from 5-6 p.m. The focus will be primarily on solo practitioners and those in smaller firms, but this CLE is for any lawyer who is disabled or who has the possibility of becoming temporarily or permanently disabled - in other words - every lawyer. Learn more at: oregonwomenlawyers.org/events/event/at-the-corner-of-law-practice-and-disability-cle-and-reception/

AILA 10th Annual Awards Benefit is October 23

The Oregon Chapter of the American Immigration Lawyers Association's benefit is at 5:30 p.m. on Thursday, October 23 at the Sentinel Hotel. All proceeds from the benefit dinner go to Oregon nonprofit immigration legal service providers. At the dinner, Jennifer Middleton, David Henretty, and Nicole Brown will be presented with the Outstanding Leadership for Immigrant Rights Award; David Shamloo will receive AILA's Gerald H. Robinson Excellence in Advocacy Award; and Ronault "Polo" Catalani will receive AILA's Oregon Immigrant Achievement Award. Dinner tickets are \$125. Mail checks payable to "Oregon AILA" and send to Irma Valdez, Yarosh Valdez, 520 SW Yamhill Ste. 428, Portland OR 97204.

OPA's 35th Convention is October 24-25

Oregon Paralegal Association's 35th annual convention will be at the Shiloh Inn Suites in Seaside. The event will feature seminars and the keynote speaker will be The Hon. Daniel Stidham, now an active supporter of the Innocence Project. For details or to register for the convention, visit opaconvention.com.

Joel K. Overlund Gary J. Zimmer Katie C. Goss
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Ethics Focus

Tug of War Fights Over Files

by Mark Fucile
Fucile & Reising



Clients and their lawyers go their separate ways mid-matter for many different reasons. Whenever this occurs, however, a frequent flashpoint is “the file.” Statistics compiled by the OSB Client Assistance Office list “return client file” as accounting for approximately 5% of all bar complaints filed annually over the past few years. Fights over files are not new, with cases from the 1980s disciplining lawyers for their failure to release files to their clients (*In re Arbuckle*, 308 Or 135, 775 P2d 832 (1989)) or replacement counsel (*In re Chandler*, 306 Or 422, 760 P2d 243 (1988)). Although lawyers have possessory lien rights for unpaid fees over a client’s file under ORS 87.430, the wisdom of asserting those lien rights in most instances is questionable, as even successfully defending a bar complaint can quickly erode the economic value of the receivable involved. Moreover, because our regulatory duties under the RPCs reflect our fiduciary duties to clients (see, e.g., *Kidney Ass’n of Oregon, Inc., v. Ferguson*, 315 Or 135, 843 P2d 442 (1992)), a client harmed in a tug of war over a file may also assert a civil claim for breach of fiduciary duty against the lawyer.

In this column, we’ll look at the basic rules governing file transitions, what constitutes “the file,” and who pays for copying.

Ground Rules

RPC 1.15-1(d) states our basic duty to return client property:

“Except as stated in this rule or otherwise permitted by law or

by agreement with the client, a lawyer shall promptly deliver to the client ... any funds or other property that the client ... is entitled to receive[.]”

RPC 1.16(d), which addresses duties when withdrawing, echoes this by counseling that lawyers must take reasonable steps to protect the client in the process, including “surrendering papers and property to which the client is entitled[.]”

OSB Formal Ethics Opinion 2005-125 describes “the file” as belonging to the client even though it is maintained by the lawyer. ORS 87.430 grants lawyers a possessory lien over a client’s file to the extent of unpaid fees and RPC 1.16(d) notes that “[t]he lawyer may retain papers, personal property and money of the client to the extent permitted by other law.” But, OSB Formal Ethics Opinion 2005-90 concludes that under RPC 1.16(d) a client’s need for the file “trumps” the lawyer’s possessory lien rights (at least when the client is otherwise unable to pay the lawyer or to secure a bond as provided in ORS 87.435-.440).

ORS 9.360 provides clients with a judicial remedy to obtain their files and ORS 9.370 outlines accompanying procedural avenues for resolving related possessory lien claims. Formal Ethics Opinion 2005-90 notes, however, that clients do not necessarily need to avail themselves of these judicial remedies to obtain their files. The appellate courts (see *Crawford v. Crane*, 204 Or 60, 282 P2d 348 (1955); *Lee v. Lee*, 5 Or App 74, 482 P2d 745 (1971)) have also concluded that these statutory procedures only apply to client property the lawyer actually possesses and are not a means to enforce a separate “charging” lien.

The File

Formal Opinion 2005-125 (at 332) succinctly summarizes what constitutes “the file:”

“By *entire file*, we mean papers and property that the client provided to the lawyer; litigation materials, including pleadings, memoranda, and discovery materials; all correspondence; all items that the lawyer has obtained from others, including expert

opinions, medical or business records, and witness statements. The client file also includes the lawyer’s notes or internal memoranda that may constitute “attorney work-product.” (Emphasis in original.)

The limited exceptions mentioned in Formal Opinion 2005-125 are for items prepared for other clients (such as a legal research memo) that the lawyer has temporarily placed in the file concerned for the lawyer’s convenience and materials (such as conflict checks and collection notes) that do not relate to the legal services provided.

Copy Costs

Because Formal Opinion 2005-125 classifies the file as property of the client, it also frames the copy cost issue from that perspective. The opinion notes that the lawyer may retain a copy (at the lawyer’s expense) - and, in many instances, that is a prudent loss prevention tool so that the firm can document the work performed “on its watch.” Under RPC 1.15-1(d), original documents provided by the client must be returned in any event. Once the lawyer has furnished the equivalent of a complete file to the client, however, Formal Opinion 2005-125 generally permits the lawyer to charge for what amounts to additional copies of the same file.

Formal Opinion 2005-125 (at 334) addresses associated labor costs as well and concludes: “[A] lawyer may charge a client for labor costs associated with the production of a file to the extent that the lawyer could have charged the client for the same work if the same request had been made during the lawyer-client relationship.” Formal Opinion 2005-125 also finds that a firm could charge for labor costs associated with producing additional copies of the same file.



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17: Number of Oregon law firms that reported their pro bono hours, as firms, to the OSB in 2013.

The OSB was one of the first bars in the country to have an Aspirational Pro Bono Standard. You can find it at Section 13.1 of the OSB Bylaws.

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Around the Bar



Carol Bernick

OSB PLF Welcomes New CEO Carol Bernick

As of October 1, **Carol Bernick**, former partner-in-charge at Davis Wright Tremaine's Portland office, is the new Chief Executive Officer for the OSB Professional Liability Fund. See www.osbplf.org News for more details.



Alice Newlin

Martin Bischoff

Alice Sayers Newlin has joined the firm as an associate. Her practice will focus on civil litigation with an emphasis on products liability, defense of financial institutions, and general insurance defense.



Kay Abramowitz



June Wyrick Flores

Miller Nash

Kay Abramowitz and **June Wyrick Flores** have joined the firm's trusts and estates practice. Abramowitz focuses on advising family-owned businesses, and is widely recognized for her experience in succession and transfer issues. Wyrick Flores works with clients to implement succession strategies.

Davis Wright Tremaine

Paul Southwick and his client Jayce M. are being honored with the Equity Award by the Equity Foundation, Oregon's only grant-making institution whose purpose is to fund organizations advancing equality for those in the LGBTQ community.



William Patton

Lane Powell

Shareholder **William Patton** has been appointed to the board of directors for Cascade AIDS Project, an organization that provides educational services and outreach to Oregonians living with HIV/AIDS.

Shareholder **Jeffrey Wolfstone** has been elected to serve on the Boalt Hall Alumni Association Board of Directors.



Traci Ray



Shayda Zaerpoor Le

Barran Liebman

Traci Ray, the firm's executive director, was named a 2014-15 ABA Law Practice Division Fellow. The division selects four fellows from across the country each year to engage in leadership and focus on its core areas, which include marketing, management, technology and finance. The mission of the division is to investigate, evaluate, develop and disseminate information and techniques which make legal services more effective, competent, ethical, and responsive to the needs of clients and the public.

Shayda Zaerpoor Le has joined the firm. She will advise clients on employment law issues.

Pro Bono Spotlight: Stacy Hankin Or Why People Hire Lawyers

by *Natalia Ospina*
3L at Lewis & Clark Law School

Law was a natural fit for Stacy Hankin. It gave her an opportunity to put her problem-solving skills to work while interacting with interesting clients and colleagues. Stacy certainly got her wish and then some; she was able to impact how Oregon law is interpreted when she argued in front of the Oregon Supreme Court.

Stacy Hankin moved to Oregon to attend Lewis & Clark Law School after growing up in a suburb north of Chicago and attending Carleton College in Minnesota. Stacy has practiced in Oregon since 1986 in both the private and public sector, benefitting and gaining a greater understanding of the law from each experience. Since 2006 Stacy has volunteered with Legal Aid's Domestic Violence Project (DVP), although she has done other pro bono work for far longer than that. The DVP matches volunteer attorneys with domestic violence survivors for representation

in contested restraining order hearings. These cases have short timelines, limited issues and require a court appearance. Attorneys sometimes receive as little as a day and a half to prepare for a hearing, and many are not family law attorneys. Even so, Stacy understands the need for pro bono work. "People don't hire a lawyer because life is going well," she says. In her eyes, a lawyer can help clients articulate their problems and work to solve them in a way the law will recognize. Pro bono work does not always look the same way, but in many cases it seeks to reach out to people who fall between the cracks.

Stacy believes this is especially the case at the DVP. Survivors reach out hoping to change their immediate situation because they do not like the solutions they see. Attorneys provide survivors with choices and empower them to make changes in their lives rather than wait for things to happen to



Stacy Hankin

them. Judges are also important in this process. When Stacy represents DVP clients she finds that the judges are very patient and good at listening to both parties while taking into consideration that these people were in crisis.

Her advice to new lawyers and law students - be open. Be open to opportunities, to new people, to new ideas and possibilities. As a young attorney she may not have been able to guess where she would be in 2014, but by keeping an open mind she has become a successful attorney with many colorful stories. She could not have gotten this far without the network of attorneys who were always ready to lend support and advice when she needed it.

Bodyfelt Mount

The OSB's Sustainable Futures Section has named the **Bodyfelt Mount** firm a Partner in Sustainability, following its move to a more efficient space in The Spalding Building in downtown Portland. The designation as a partner requires that the firm adopt an office sustainability policy and implement an internal education program. There are also criteria related to paper management, energy and water reduction, waste and toxics reduction, transportation energy reduction and sustainable purchasing.



Frank Weiss

Tonkon Torp

Tonkon Torp has been designated a Partner in Sustainability by the OSB.

Attorney **Frank Weiss** has been appointed to the board of directors of the Mt. Scott Learning Center. A member of the firm's litigation department, Weiss specializes in complex commercial litigation including insurance coverage disputes. The learning center is a nonprofit organization offering an accredited education options program designed for middle school and high school students who benefit from a nontraditional learning environment.



Melissa Busley

Dunn Carney et al

Estate planning attorney **Melissa Busley** has been appointed to the American Cancer Society (Portland) Board of Directors. As a cancer survivor, she appreciates the work of the society and has volunteered with the organization since 2007 to work on their local annual fundraising gala, the Portland Hope Ball.

Marlene Findling

Marlene Findling has returned to solo practice. Her location remains the same, 2720 NE 33rd Ave., Portland OR 97232, and her phone is still 503.288.3133. Her new email is marlene@findlinglawoffice.com, and her new fax is 503.546.5956. She will continue to represent clients in estate planning, low-conflict family law, adoption, and alternative reproductive technology, including surrogacy and egg donation.

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 @MultnomahBar

255 Oregon lawyers are Active Pro Bono members - their practice consists of only pro bono representation through Certified Pro Bono Programs.

Oregon has **20** Certified Pro Bono Programs - attorneys without PLF are covered for the pro bono services provided through those programs.

Connecting Students & Pro Bono Attorneys

by Jon Strauhull
Oregon Law Center



The Oregon State Bar Pro Bono Committee, Lewis & Clark Law School, the University of Oregon School of Law and Willamette University College of Law have created a new program as part of

their continued commitment to Oregon attorneys and law students interested in pro bono work.

A new email address, ProBonoStudent@osbar.org, will replace the Oregon Pro Bono Student Network website, in order to streamline the connection between pro bono attorneys and students. This approach is designed to allow attorneys engaged in pro bono work access to free and capable assistance from law students, while increasing the attorneys' capacity to help the underprivileged obtain legal services. Law students will benefit from the opportunity to

work with attorneys and get real-life legal experience on a case-by-case basis.

To use the program, pro bono attorneys should send assistance requests to ProBonoStudent@osbar.org, using the format provided in orientation packets from pro bono providers or available on the bar's website. No confidential information should be posted. The OSB will route those posts to the University of Oregon, Lewis & Clark and Willamette law schools to distribute to students electronically. Students can then respond directly to the attorney requesting assistance.

If you have any questions about this new service, contact Cathy Petrecca at cpetrecca@osbar.org or 503.431.6355.

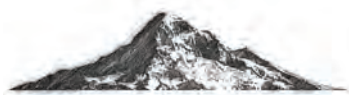


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Tips From the Bench

Nothing endures but change

Heraclitus (540 BC-480 BC), from *Diogenes Laertius, Lives of Eminent Philosophers*

by Judge Leslie Roberts
Multnomah County Circuit Court

You have a motion in Multnomah County. How do you handle it? You could stuff it in a bottle and throw it out to sea. You could pack it away in a time capsule for the corner of the new courthouse. However, possibly, you want it to be decided. If so, you – the party who wants an answer – has to bring it to the docket of a judge. Merely filing it will not be enough. I can't stress this enough. If you *just* eFile it, or file it with the clerk, you might as well put it in the cornerstone.

The scheduling of motions depend on the rules. Here, you must be a master of the Supplemental Local Rules. They change from time to time and they have perhaps changed from the last time you looked.

When I started practicing law, and for many years in Multnomah County, you praeciped the motion. That's gone. As a litigator, I wept bitter (but metaphorical) tears at the abandonment of the venerable praecipe, so delightfully arcane and archaic, and distinctive to Multnomah County. But that's the way of the world, and change has continued; more change is happening with the adoption of eFiling and, generally, with the transition of the court to an electronic environment.

The absolute best practice tip you could possibly get on this (and many other) subjects is to look at the current (I stress current) provisions of the Local Rules for the Multnomah County Circuit Court. (You can't forget, of course, the Uniform Trial Court Rules and the Oregon Rules of Civil Procedure, too; but here, it is the Local Rules that most folks who come a cropper, forget.)

To summarize where things stand currently:

1. After all appearances in the case, or by request in ex parte if required earlier, presiding court will assign a motions judge to the case. **LR 5.014** Once assigned that motions judge will handle all motions, other than ex parte (but *including* ex parte for cases specially assigned for all purposes, e.g., foreclosure cases).
2. When you file a motion, you, as the moving party, are responsible for getting it set on the docket, and the way you do this is by calling the judicial assistant of the motion judge, to begin with, to get possible dates. Then it is you, the moving party, who must coordinate with the other party an acceptable date for a hearing, and confirm that with a second call to the



judges' chambers. **L.R. 5.015 (4)** You can omit this - but only if you want your motion to molder away, unloved and unheard, because nobody else will put it on a docket for decision. Sadly, I have recently encountered a motion left to languish without hope of decision for some five months, because no one knew to bring it to the attention of the judge - me in that case - and the judge does not scan the electronic files periodically to see if in any of the many cases assigned, a motion has been filed.

3. The parties *must promptly (not just at the morning of hearing) provide paper courtesy copies of the motion and memorandum* to the motions judge. **L.R. 5.015 (6)** The fact that the file is electronic does not relieve the parties of this obligation. Furthermore, the copies should go to the judge's chambers: if merely mailed to the court, they will go to the file room (and oblivion) and the courtesy copies will not be forwarded to the judge.
4. Deliver the order or judgments directly to the judge if in paper, or eFile it as an unsigned document and the court will route it correctly. **No copy of the original** needs to be provided along with it. (Because the judge is getting the original, an accompanying copy is pointless - it will go directly to recycling.) **L.R. 5.035**
5. Finally, forget about including the familiar little self-addressed postcards. We're not doing that anymore. **CJO 14-013** effective May 6, 2014.

One last thing, however; if your motion is a motion for summary judgment, the motion is not necessarily set with the generally responsible motions judge. You must call the Civil Calendaring Motion Clerk (503.988.3168) and the summary judgment motion will be assigned to a pro tem judge or, upon request, to a sitting judge, who may not be the regular motions judge.

Once you have these rules all memorized, remember they are no more writ in stone than those mandating the wonderful blue praecipies of my distant youth: you should always be alert for the inevitable rules changes. Things change.



News from the Courthouse

by Jennifer Wagner
Court Liaison Committee

Presiding Judge's Report and Courthouse Update

Trial Court Administrator Doug Bray is retiring at the end of the year. The court has started the search for his replacement.

eCourt

eCourt launched on May 12, and eFiling became available on July 7. The Oregon Judicial Department (OJD) conducted approximately 30 trainings in May and June on electronic filing for Multnomah County firms.

There are proposed Uniform Trial Court Rule (UTCR) changes regarding electronic filing. Under the proposed changes to the rules: (1) electronic filing will be mandatory for all civil and criminal lawyers starting on December 1, and there is a process to obtain a waiver of that requirement; (2) exhibits supporting motions will no longer be required to be filed separately from motions; and, (3) the time period for retention of documents with original signatures for electronically filed documents is shortened from 10 years to 30 days and the filing party certifies the authenticity of the signatures. These changes will be considered by the UTCR Committee at its October 17 meeting. If approved, the changes could be implemented by Chief Justice Order and become effective 30 days from that order's signing date.

In association with the pending approach of mandatory eFiling, the Office of the State Court Administrator will be offering another session of trainings on electronic filing for firms. Information regarding training on electronic filing is available on the Oregon eCourt page of the OJD's website: courts.oregon.gov/oregonecourt/Pages/index.aspx. Tyler Technologies, the owner of File & Serve, which is the Oregon eCourt eFiling system, has added a large number of training webinars on its Training

Website: oregon.tylerhost.net. The Tyler site also contains Oregon specific printed documentation for Oregon eCourt eFiling for your reference library.

The court is also looking at a modification of Supplementary Local Rule (SLR) 24.501, a new rule regarding electronic filing in ex parte matters. The Chapter 24 SLRs are controlled by the UTCR Committee. SLR 24.501 provides for the eFiling of ex parte documents, but, practically not all ex parte documents should or can be eFiled, and those exceptions should be presented at ex parte in paper form. The court is seeking amend the rule to be able to establish a list of documents that must be presented conventionally at ex parte and not be required to be eFiled.

Proposed orders and judgments were able to be filed electronically when eFiling became effective in Multnomah County. The system is working. The largest problem is eFilers who fail to separate proposed orders in their filing, and submit the unsigned order as a normal eFiling document, rather than a proposed order. It may never be signed, since it bypassed the proposed order option in the eFiling system.

While eFiled documents are attached to the case immediately upon acceptance, conventionally filed documents go from paper to scanned images that must be processed further before the document image is attached to the case and available for viewing, which increases delay in the process. Both the civil and family law sections of the clerk's office have some document queues with backlogs measured in weeks. Progress has been slow in managing the large inventory of scanned documents.

New Courthouse

The site selection process for the new courthouse is underway. On July 21, Multnomah County invited property owners in central Portland to respond with suitable and available sites to the Request For Interest (RFI). This invitation closed in September. The new courthouse site RFI document includes a description of the full area under consideration, which

includes locations on both the east and west side of the Willamette River.

Sites nominated by landowners will be screened for acceptance. The Courthouse Users Group (CHUG) is in the process of determining who among its members will be on the site screening committee. Eric Dahlin, MBA Court Funding Committee Chair, represents the MBA on the CHUG.

Multnomah County is in the process of conducting a survey regarding the new courthouse and preferences on location. There is a link to the survey on the MBA website and members are encouraged to respond.

Representative Jennifer Williamson is the chair of a cross-governmental group being formed to advise state and county leadership on the courthouse project with the goal of keeping all decision-makers united as the project progresses. Unlike former Multnomah County court facility construction projects, which were exclusively under the decision-making authority of the board of county commissioners, the new central courthouse project has the additional direct involvement of policy leadership in the legislative assembly, the governor's office and other elements of the executive branch, and the chief justice and the judicial branch. Under the present approach, Multnomah County and the State of Oregon each hold a 50% commitment in the project, and keeping the policymakers united is a critical element for its success.

The National Center for State Courts has issued its final (138 page) report on the program plan for the new courthouse. The program plan looks at community needs until 2050 (in terms of the forecast growth of population, case filings and judgeships) for the present programs in the current courthouse. The full program plan, if implemented, would require a building that would cost \$350 to \$400 million. The state and county are not prepared to fund a courthouse at this level, so are looking at

Continued on page 17

Working Together for Civil Justice

The Oregon Model

by Sandra Hansberger
Campaign for Equal Justice

The national Equal Justice Conference (EJC), sponsored by the ABA and the National Legal Aid and Defenders Association, convened in Portland in May. The annual EJC “brings together all components of the legal community to discuss equal justice issues as they relate to the delivery of legal services to the poor and low-income individuals in need of legal assistance.” Portland lawyer Ed Harnden chaired the local planning committee and many Oregon lawyers, law firms and Chief Justice Tom Balmer pitched in to welcome the more than 1,500 visitors to the Rose City. We wowed them with food carts, perfect weather and a reception at the Portland Art Museum - and our model for partnerships for legal aid.

The emphasis of the EJC was on strengthening partnerships among the key players in the civil justice system, and this provided the perfect opportunity

housing, consumer law, income maintenance (social security, unemployment insurance, and other self-sufficiency benefits), health, employment and individual rights. Over 40% of legal aid’s cases are family law cases, usually helping victims of domestic violence. All of these programs also offer robust pro bono programs in order to stretch limited resources - many of them are in the Portland area. All four legal aid nonprofits operate in accordance with the OSB’s Standards and Guidelines and follow national standards for the effective and efficient delivery of legal services. It is certainly worth noting there are a number of other valuable programs in Oregon that provide legal services to low-income Oregonians, but they are not subject to the OSB’s Standards and Guidelines as part of an integrated service delivery model throughout the state. Many of those other programs receive

assistance from the Oregon Law Foundation, which distributes interest on lawyer trust accounts. All programs are underfunded and need more resources. But the focus of this article is on the legal aid program

as described in the previous paragraph.

While funding for legal aid programs nationally and in Oregon is dismal, Oregon has a history of being at the forefront of statewide legal services delivery and funding. Here are just a few examples:

- The second state in the nation to adopt court filing fee funding for legal aid and the first to propose it (1976-77);
- One of the first in the nation to conduct comprehensive statewide legal needs assessments (1971, The Marmaduke Study; 2000, The Legal Needs Study);
- One of the first in the nation to conduct statewide strategic planning using client need assessments, changing client needs, demographic data about client communities and national standards for high quality services to distribute revenue statewide in a manner that furthers the best interests of clients (2002, 2007 and 2013);
- One of the first statewide combined fundraising campaigns for legal aid programs through the CEJ (1991);
- In response to the 1996 federal funding cuts and restrictions,

the Oregon Supreme Court chief justice and OSB president appointed the Civil Legal Services Task Force, which addressed client need/priorities/delivery systems; the structure and organization of legal aid; funding; and how to address the ethical implications of Legal Services Corporation restrictions. The task force issued a comprehensive report (1996-97);

- One of the first to adopt state standards and guidelines for statewide legal aid programs that incorporate ABA standards on civil legal services delivery and one of the first to create a mechanism for administering state funds for civil legal aid in accordance with these Standards and Guidelines (1998);
- The first state in the nation to have bar associations and client groups appoint the same individuals to serve on the boards of directors of two nonprofit legal aid corporations. This created the structure that encourages the type of collaboration and cooperation necessary to operate an integrated statewide service delivery system focused on the best interests of clients (1998);
- Receives bipartisan support for legal aid funding, with Oregon’s congressional delegation unanimously supporting legal aid;
- Received one of the first awards from the ABA for grassroots lobbying for federal funding and one of the first to form a coalition between the OSB and CEJ to travel to Washington, D.C. to lobby for increased federal funding (2006);
- One of the first to direct state pro hac vice fees to legal aid (2002);
- One of the first to direct abandoned property from IOLTA accounts to legal aid (2009);
- One of the first states to require mandatory access to justice continuing legal education.

In addition, Oregon has an annual fund drive that raises about \$1.2 million from the private bar through the CEJ, and over 317 lawyers who help with the campaign’s efforts. Oregon is likely one of the first to study a Centralized Legal Notice system to supplement legal aid funding, but we are behind the curve in using residual class action funds to help support legal aid. CEJ’s annual fund drive has participation from the legal community around the state, including participation by 85% of appellate judges and 84% of members of large law firms. The campaign has participation from the corporate community and the annual awards luncheon is sponsored each year by Nike and adidas.

So, why is our model distinctly Oregon? The recent trend for supporting civil access to justice is to appoint an Access to Justice Commission. These commissions, which are listed on the ABA’s website, work well for some states,



Kara Tatman, Perkins Coie LLP, shows off informational buttons at CEJ’s Advisory Committee and Leadership Meeting. For more information about what the buttons mean, go to www.cej-oregon.org and watch the video

especially larger states like Texas and New York, and are typically well staffed, requiring additional funding. In Oregon, we have already been working together to support access to justice for decades and this predates the trend of establishing commissions. Our systems are closely integrated and our communications are strong and work efficiently. And, we don’t require the additional bureaucracy that a commission might create here. When a task force or strategic planning group is called for, our leaders are eager to participate and we involve them when they are needed.

Recently, Oregon leaders were called into action to help form legal aid’s strategic plan. In December of 2013, when data collected and analyzed in the legal aid strategic planning process concluded that Oregon had funds to meet about 15% of the civil legal needs of the poor in Oregon - down from 20% a few years ago - the Campaign for Equal Justice convened the Task Force on Legal Aid Funding in January. This task force adopted its final report in June. Leaders such as the chief justice, the attorney general, bar groups (including the MBA), the governor’s office, and key legislators were very willing to participate. The task force essentially monetized the justice gap that was identified in the strategic planning process. That is, Oregon has only one legal aid lawyer for every 9,444 low-income Oregonians - a far cry from the minimally adequate standard of two legal aid lawyers for every 10,000 poor persons. The task force set long- and short-term goals for doubling the revenue for legal aid - from about \$15 million annually to \$30 million. Ed Harnden, a task force co-chair remarked, “We know this isn’t going to be an easy or a quick fix. But Oregonians and Oregon lawyers have always been in the forefront when it comes to funding legal aid, and we plan on continuing that trend.” Several suggestions from the task force have already been adopted.

As the Campaign for Equal Justice kicks off its fall annual fund drive for the 2014-15 year, we hope to engage you all in supporting Oregon’s legal aid programs. If you are interested in participating as a volunteer to help raise money for or awareness about legal aid, or be a part of our new “Be a Walking PSA for CEJ Initiative” please contact the CEJ offices, or visit www.cej-oregon.org.

Pro Bono Fair

This year’s Pro Bono Fair and Celebration is on Thursday, October 23 at the World Trade Center in downtown Portland. Please join the Oregon New Lawyers Division and co-hosts MBA YLS, OSB Pro Bono Committee and LASO/OLC for one or more of these events:

- Three free CLEs
- Pro Bono Providers’ Fair
- Pro Bono Challenge Award Winners Ceremony

This year’s free CLEs are:

- Pro Bono for New Lawyers: Getting your Feet Wet without Drowning, hosted by the MBA Young Lawyers Section
- Protective Orders in Oregon: Protecting Victims of Stalking, Domestic Violence and Sexual Assault, hosted by Legal Aid Services of Oregon
- Working with Non-Traditional Business Clients, Uncovering Assumptions and Breaking Down Stereotypes, hosted by the Lewis & Clark Small Business Clinic

The CLEs start at 3 p.m. For information on registration, please contact Michelle Lane at the OSB, mlane@osbar.org or 503.431.6384.

Following the CLEs, two dozen legal services providers will be available at a Provider Fair. Find the perfect pro bono fit for you by speaking with providers who assist low-income Oregonians in all types of cases: immigration, consumer law, family law, housing issues and more.

Finally, the evening includes the Oregon New Lawyers Division Pro Bono Challenge Awards. Join your colleagues as you celebrate the pro bono contributions of these award winners:

Large Firm:
Davis Wright Tremaine

Medium Firm:
Stahancyk Kent & Hook

Small Firm:
Janet Hoffman and Associates

Solo Practitioner:
William Haberlach

Active Pro Bono Member:
George Galloway

Individual at a firm:
Tim Volpert of Davis Wright Tremaine

Additional sponsors of this year’s event include Barran Liebman and Miller Nash.

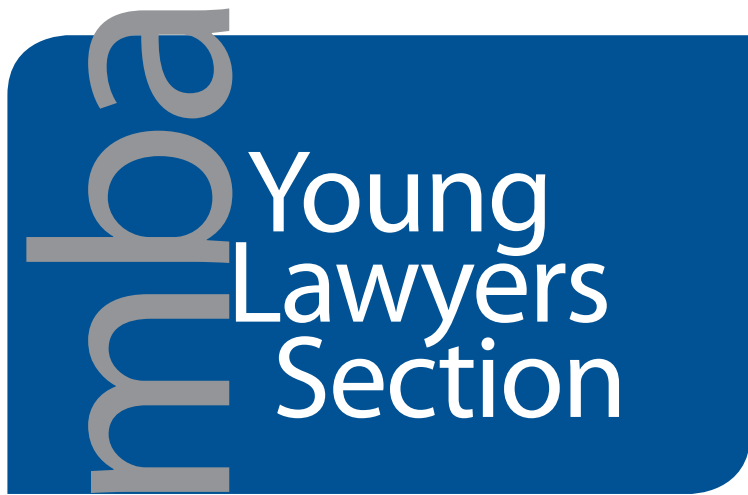
Want to know more? Please contact Cathy Petrecca at the OSB (cpetrecca@osbar.org or 503.431.6355).



Mark Comstock, Garrett Hemann Robertson PC; Ed Harnden, Barran Liebman LLP; and Hon. Thomas Balmer, Oregon Supreme Court, at CEJ’s Advisory Committee & Leadership Meeting

to showcase Oregon’s model of collaboration in support of civil legal aid programs. Panelists from the Oregon courts, the Campaign for Equal Justice (CEJ), the Oregon Law Foundation, the OSB, and private practice presented information on how we work together. The Oregon model was recognized by the ABA in 2013 as the Oregon Access to Justice Coalition. Our model is unique and distinctly Oregon. More on this later.

A bit of background and history about legal aid programs in Oregon might be helpful: Oregon’s legal aid program consists of four separate nonprofits that work together as part of an integrated service delivery system designed to provide high priority free civil legal services to low-income Oregonians in all 36 Oregon counties. There are two statewide programs, Legal Aid Services of Oregon (LASO) and the Oregon Law Center (OLC); and two county-wide programs, Lane County Legal Aid and Advocacy Center and the Center for NonProfit Legal Services (Jackson County). Most MBA members already know that both OLC and LASO have Portland regional offices. Because the need is great and resources are limited, legal aid offices address high priority civil legal issues such as safety from domestic violence,



Young Lawyers Section

Ask the Partner

*Dear Partner,
I want to work on your cases.
What can I do to catch your
attention? How do I convince you
to assign me projects?*

Aspiring Associate

Dear Aspiring Associate,
You're on the right track by asking me this question. I'm flattered that you want to work on my cases, but know that doing so will require a significant commitment from you.

The short answer? Treat me like a client.

Partners say this all the time and it's true - if you want me to assign you projects, treat me like a client. This means that if you have not yet had the chance to work with me, make yourself known to me. Start by establishing a good reputation among the other partners for doing excellent work. Soon enough, I should hear accolades about your abilities and performance. This will pique my interest. When you do let me know you want to work with me, the door will be open for you.

Once I assign you a project, impress me. Take ownership of the project. I'm always relieved to receive work product that could essentially be sent directly to the client with few revisions, if any. Keep providing finished work product to the best of your ability, even if I do edit your work ruthlessly. Never give up. Tailor your work to my style. For instance, if you know I have

a preference for formatting or tone, etc., incorporate them. Look to prior work I've done for this client or in similar cases to use as a guideline.

Ultimately, your job is to make my life easier by minimizing the role I need to play. Don't simply agree with my analysis or suggestions if you are unsure or have a better idea. We both win when you're able to add value by spotting a new issue or by devising more creative solutions. Even if I merely give you one discrete project, take the initiative to think of other tasks you can do that I've yet to address or assign. At the same time, however, know your place. Be prepared and assertive, but also efficient and respectful.

At the end of a project, I want to feel confident - even relieved - that I can hand you another matter and you will expend the necessary time to deliver a professional work product, irrespective of other priorities. I know you have other priorities, but it's not my job to manage that balancing act.

Don't be afraid to ask me questions, but also don't waste my time. If you can find the answer via another source, do so. Understand that as much as I want to help you succeed, you need to be proactive.

Lastly, don't feel discouraged. Keep doing your best. Before you know it, you'll have your own clients and your own associates to manage. Then you'll feel my pain.

Success through Service A Profile of Riley Makin

by Aurelia Erickson
YLS Pro Bono Committee

"In some ways being a lawyer is like being a rancher," Riley Makin laughs, "instead of working cows, I'm working cases." Riley grew up on his parents' cattle ranch in Joseph, Oregon. His father's experience as an entrepreneur influenced Riley's decision to go to law school and eventually start his own practice. And although Riley believes his background has been the driving force behind becoming a lawyer, he attributes his current success to his experience as a volunteer attorney.

Riley started volunteering with Legal Aid Services of Oregon (LASO) in December 2013 and has never looked back. Although Riley originally contacted LASO to learn about and help with filing Family Abuse Protective Orders, he has found his niche at the Senior Law Project (SLP). The SLP is the largest of LASO's Volunteer Lawyer Projects, providing over 25 clinics per month in Multnomah County. All clients age 60 or over are eligible for free 30-minute consultations, regardless of their income. SLP volunteers provide continuing pro bono services for only those clients who meet financial eligibility requirements. At each

clinic, volunteer attorneys like Riley consult with clients on a variety of civil legal issues.

Riley has worked on cases involving debt collection, wills and trusts, landlord/tenant law and elder abuse. "I've never seen the same issue twice," he noted. For Riley the work is rewarding on many levels. Riley has served over 25 clients during his time with the SLP. He has seen the sense of relief many of his clients feel when he is able to provide them solutions to what seemed like insurmountable legal problems. Listening to Riley describe his experience at the SLP, it's easy to understand why he has become such a trusted advisor to the clients he serves. "LASO truly appreciates Riley's dedication to serving low-income seniors," says Maya Crawford, supervising attorney at LASO.

Riley graduated from Willamette University College of Law in 2012. As many law grads at that time remember, finding a job was difficult. Riley started his own practice, but not without the help of three important mentors: Gary St. Louis, Attorney at Law, Michael Yates of Yates, Matthews & Eaton PC, and Don Carter at McEwen



Riley Makin

Gisvold LLP. Riley credits his mentors with encouraging him to participate in one of LASO's Volunteer Attorney Projects. Each suggested that getting involved would provide a way to learn how to become an attorney, gain experience, and meet other young practitioners.

Riley agrees that volunteering at the SLP has paid off, "it really helped push me through my first year." And he encourages all new attorneys - especially solo practitioners - to volunteer: "It is critical for the people we are helping but also for the attorneys who get involved." Of volunteering with the SLP, Riley adds, "I don't plan to stop volunteering anytime soon." For more information about volunteering with the Volunteer Lawyer Project at LASO, contact Maya Crawford at 503.224.4086 or maya.crawford@lasoregon.org.

Join us for the ABA YLD Conference - October 9-11

by Traci Ray
Co-Chair of the Portland Host Committee

Hundreds of young lawyers from around the country will visit Portland in early October for the ABA Young Lawyers Division 2014 Fall Conference. This three-day event, from October 9-11, promises fantastic speakers including Oregon Supreme Court Chief Justice Thomas A. Balmer, Congressman Earl Blumenauer, Oregon Attorney General Ellen Rosenblum and ABA President William Hubbard. The main conference will be held at The Nines Hotel, with networking events hosted at Pioneer Courthouse, Kells Irish Pub, and Director Park.

Andrew Schpak, the 2014-15 ABA YLD Chair, is excited to host the conference in Portland, and has worked alongside the Host Committee to plan over 20 sessions for attendees - many featuring local judges and attorneys. His platform for his time as chair, "Better lawyers, Better leaders, Better people" is helping to shape all four ABA YLD conferences during his tenure - in Portland, Houston, Tampa Bay and Chicago.

"Our Portland conference is really going to showcase our legal community, and provide unique CLE classes that focus on how young lawyers can excel in their practice and thrive in their personal lives - somewhat of a new-age work/life balance concept," explains Schpak.

The agenda is packed with CLE, Professional/Leadership Development sessions, The National Summit on Access to Justice and the Future of Legal Services Meeting, Speed Networking, and Health and Wellness events. Additionally, one-on-one resume and marketing plan review sessions with top legal career consultants are available, as well as individual question and answer sessions with experts to discuss starting and running a lucrative solo law practice.

The ABA YLD will also debut their 2015 Public Service Initiative: "Project Street Youth: Young Lawyers Advocating for Homeless Youth." Conference attendees will have the opportunity to volunteer at a

legal services clinic to learn about the project and how to implement it in their respective cities. There is also a toiletry drive throughout the conference for attendees, as well as The Nines Hotel, to support local youth shelters.

The Health and Wellness track will also feature 1 mile, 5K and 10K jogs for attendees to take part in, combining sightseeing around Portland with a little exercise. "With Andrew's leadership, the YLD is really making a commitment to promote personal health," notes Colin Andries, Co-Chair of the Portland Host Committee. "It has been great to work with local companies to put these events together." Our thanks to the Portland Running Company for their assistance with the guided run tours - their expertise in this area is greatly appreciated.

From the entire host committee, we thank all of the Oregon speakers on the conference agenda and the conference sponsors. We look forward to an exceptional Portland Conference, and we hope to see you there!

For more information and to register for the conference, please visit www.americanbar.org/calendar/2014/10/yld_fall_2014 or email Andrew at aschpak@barran.com.

mba yls | EVENT

YLS Wine Tasting Social
Blackbird Wine Shop
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Thursday, October 16
5:30-7:30 p.m.



Please join the YLS, Financial Planning Association, and Oregon Society of Certified Public Accountants for this casual opportunity to network and socialize.

The registration fee of \$15 includes wine tasting and hors d'oeuvres.

Please register with Ryan Mosier, ryan@mbabar.org, to reserve your spot. Space is limited. Prepaid reservations are required.

Pro Bono Practice = Lawyering Skills for Paying Clients

by Joshua Stadler
YLS Pro Bono Committee



For a young lawyer endeavoring to build a viable practice, two of the basic ingredients are marketing and honing your craft. The former brings in the paid work; the latter translates into the competence required to successfully navigate that work. Numerous readily available pathways exist for marketing, such as participating in the MBA, networking with lawyers from other firms and attending relevant industry events. Early in your career, suitable opportunities for honing your craft may come less readily. Clients and law firms alike often hesitate to hand the reins over to newer lawyers, particularly when the stakes are high.

With pro bono, you can fill the void. Legal Aid Services of Oregon's Domestic Violence Project (DVP) exemplifies how young litigators can develop the skills and confidence they need to thrive with paying clients, while also meaningfully helping those in need of guidance.

In the typical DVP case, after suffering abuse at the hands of a spouse or partner, the petitioner obtains a restraining order in a Family Abuse and Prevention Act (FAPA) ex parte hearing that remains in effect for one year. Once served, the respondent may demand an evidentiary hearing to challenge the order. If that happens, the petitioner must appear within a matter of days for what is effectively a bench trial - lasting anywhere from 30 minutes to several hours - to determine whether to uphold the order. The cases often involve complicating factors like custody, visitations, property division, and pending criminal and domestic relations cases.

While I do not otherwise practice family law, through representing DVP clients, I have cultivated a variety of useful, broadly applicable litigation skills, including:

- **Case strategy and management:** Once I accept a DVP file, it becomes my file. Although Legal Aid provides a wealth of resources, such as CLE materials and attorney

mentors, it is incumbent on me to plot the appropriate course to the hearing by investigating the issues, meeting with potential witnesses, collecting and evaluating potentially admissible evidence, and identifying and developing themes.

- **Client relations:** While DVP cases are unusually emotional, communicating with clients in advance of their hearings - typically through an initial phone conversation, followed by one or more face-to-face meetings - involves use of a toolkit that is equally applicable in general commercial litigation: establishing a mutually comfortable and trusting rapport, caring about the client's problems, understanding the client's goals, managing the client's expectations, and preparing the client for the process that lies ahead.
- **Trial preparation and practice:** At least in Multnomah County, contested restraining order hearings proceed like mini-trials, with opening statements, examination of witnesses and introduction of evidence, and closing arguments. Often, settlement negotiations with the adverse party (who is generally proceeding pro se) immediately precede the hearing. At a time where few cases are tried (and even fewer of them by young lawyers), DVP cases provide an invaluable opportunity to get into the courtroom, go through the exercise of preparing for that experience, and get familiar with navigating the corridors of the courthouse.

Taking cases pro bono is not just an important public service; it can provide young lawyers with a unique pathway to polish their craft for paying clients. It can also directly lead to work from paying clients. As I was writing this article, I received a call from an estate planning lawyer at my firm who had heard about my participation in the DVP. One of her clients had obtained a restraining order that the adverse party was contesting, and she needed someone to represent her at the hearing. I told her that I was ready to take the case.

And the judge said, "I want you to do pro bono work."

by William Penn
Lewis & Clark Law School

Can an Oregon judge encourage you to participate in pro bono work? The old Oregon Code of Judicial Conduct was silent about the subject, leading different judges to different conclusions.

Some took the silence conservatively and avoided the subject, while others assisted and even developed pro bono programs. The almost 15 year-old Children's Representation Project administered by Judge Susan Svetkey and Multnomah County Court staff is a judge-driven project that developed while the code was silent.

On December 1, 2013, a new version of the Oregon Code of Judicial Conduct became effective. This new version provides an explicit answer to whether judges can promote pro bono: Rule 4.5(E) provides that "So long as the procedures employed are not coercive, a judge may personally encourage or solicit lawyers to provide publicly available pro bono legal services."

For some time, the Federal Code of Conduct for United States Judges has explicitly allowed judges to promote pro bono work - albeit in the commentary to the rules rather than the rules themselves. As a result, some of our federal judges, including District of Oregon Bankruptcy Judge Elizabeth Perris, have a long history of encouraging pro bono. Judge Perris received the Pro Bono Award of Merit in 2007 for her support of the OSB Debtor Creditor and LASO-organized Bankruptcy Clinic, both as a speaker at the clinic and a catalyst in getting both attorneys and firms to volunteer time. I asked Judge Perris for her tips on judges and attorneys participating in and encouraging pro bono work:

Tips for judges encouraging attorneys to participate in pro bono work:

- "Be a cheerleader for the program ("the law should be accessible to all ... many of us contribute so that no one bears a great burden, but collectively we provide a lot of services;")
- Identify and encourage involvement by lawyers who could be volunteers, but haven't yet stepped forward,
- Acknowledge the contribution of the volunteers and thank them for the

contribution. We sponsor an annual judges' reception for the volunteers at the courthouse where we review the clinic's accomplishments and thank the volunteers for their efforts,

- Be willing to help with recruiting, but of course, not fundraising (all money for our clinic is provided by the Debtor Creditor Section of the OSB)."

Cautions:

- "Be willing to take "no" for an answer; otherwise you cross the line into coercion,
- Decide how much time you can devote to the pro bono program and talk to the people who are managing it about how you can most effectively use your available time to benefit the program. For instance, my involvement in recruiting volunteers has been as a clean-up person - I only contact potential volunteers after there is an initial effort made by a lawyer to recruit them. Most of the lawyers I contact have been too busy to respond and are more willing to return a judge's calls,
- Make sure a legitimate organization is managing the pro bono program so that they will work through the problems that inevitably arise."

Tips for attorneys taking on pro bono work:

- "Make sure you get adequate training to do the work. Even if you know the field, there may be specific issues related to the poorer client you do not regularly encounter. For example, in bankruptcy, fee waivers are only potentially available to debtors whose income is less than 150% of the poverty level,
- Treat the client as you would a paying client,
- Recognize that poorer clients often have extra problems with getting things done and communicating - patience is required,
- Make sure you and the client understand what services you are providing and what services you are NOT providing. As a volunteer you may not want to take on matters lasting an extended period unless you



Judge Elizabeth Perris

are litigating test cases or cases designed to establish precedent."

Tips for judges who want to participate in pro bono programs beyond encouragement:

- "Lead by example (I was quite touched by a story Dick Slottee told at one of our annual judges' receptions honoring the volunteers. The story went something like this - each semester Prof. Slottee brings groups of students to the clinic to volunteer and supervises them as they handle cases. For the students, the clinic is seeing some of the principles they hear about in law school put into action - they see judges and attorneys from all types of practice working together to make sure that poorer members of the community get accurate legal information.
- Provide what assistance you can within the limits placed upon you by your position. At the bankruptcy pro bono clinic, the judges and lawyers who can't see clients give an overview talk that provides general information. The lawyers who can see clients, who come from all facets of the practice, not just debtor practice, see individual clients who are legal aid qualified,
- Assist in organizing the clinic, training and encouraging volunteers, and solving operational problems. Judges can be particularly helpful in this area. I've participated in training sessions. Once, when the bankruptcy clinic needed to recruit new volunteers, there were a lot of the underemployed lawyers who were logical volunteers, but for them, paying the \$200 to be admitted to federal court which is necessary to file bankruptcies was a hardship. I was able to work with the US District Court to develop a solution."



MBA @MultnomahBar

62: The average number of pro bono hours reported by Oregon lawyers for the 2013 ONLD Pro Bono Challenge.

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The Corner Office PROFESSIONALISM

Pro Bono Work Meet Local People & Make World Peace

Lately, the persecution of people who lack political and economic power has left me with a heavy feeling.

As individuals, what do we do about the injustice in our world? There are lots of things

we can do that are hard and time-intensive. But, there are also meaningful changes that we can make in our daily lives. One small but important gesture is simply to engage with people whose backgrounds are different than our own. At the risk of sounding trite, those instances of genuine engagement are the building blocks of peace. And, pro bono work might be one of the best ways to meet and get to know people from a broad cross-section of Multnomah County's

diverse population.

As lawyers, the way we engage with our clients is uniquely personal: our services are often sought in times of crisis, we delve into intimate facts, we position ourselves as a trusted resource. If we make sure the attorney/client relationship is a two-way street in which we listen to and trust our clients as well, then attorney-client relationships that cross gaps in class, ethnicity, race, language, abilities, and generations carry

an important potential for moments of understanding and connection - moments that can profoundly impact our own lives, and our broader communities.

Sometimes pro bono work is characterized as a "deal" in which clients get a specialized and otherwise expensive service, and attorneys get gratitude or a sense of personal fulfillment. I think we should strive for an exchange in which clients gain empowerment and attorneys get an education. If we can frame the relationship this way in practice, we may be able to soften the power differential to a degree that allows that peace-fomenting connection to occur.

I have two suggestions for fostering a more meaningful attorney/client relationship even when your own life experience as an attorney is very different from that of your client's.

First, take extra time to ensure your client is in the driver's seat, especially when language, education, mental illness, or cultural differences may inhibit their equal participation in the case. As you explain the legal process, strengths and weaknesses of the case, and possible outcomes, adjust your approach if needed.

One of my favorite moments as a lawyer was when four clients - Guatemalan women who spoke an indigenous language - rejected a settlement offer from their corporate employer. Initially, they looked to me to make the decision. I had to take extra time, working through an interpreter, to explain not only the offer and possible outcomes if they declined to settle, but also the basics of the American legal system. I waited

while they discussed (a flurry of unintelligible K'iche' to me), and when they announced their decision, they were giddy with excitement. For a moment they shed their status as underpaid immigrants in an often hostile land and said "you're going to have to pay us what we're owed, plus statutory damages and attorney fees."

Second, recognize your client's expertise (you know the law; she knows the facts). Listening is a prerequisite to good legal representation, and it's also an amazing opportunity for us as lawyers to broaden our world view. Some lawyers might know what it's like to raise a family on \$600 per month, what it's like to survive as a single woman sleeping on the street, or what it's like to be forcibly medicated as a patient at the state hospital. Most of us don't. Creating regular opportunities to hear directly from people whose voices are often silenced or unheard - whether through pro bono work or community engagement - is a political act on an interpersonal level.

The Corner Office is a recurring feature of the Multnomah Lawyer and is intended to promote the discussion of professionalism taking place among lawyers in our community and elsewhere. While The Corner Office cannot promise to answer every question submitted, its intent is to respond to questions that raise interesting professionalism concerns and issues. Please send your questions to mba@mbabar.org and indicate that you would like The Corner Office to answer our question. Questions may be submitted anonymously.

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Free Event Publicity

When the MBA's most recent website launched, it included a unique feature: the ability for law-related organizations and nonprofits to add their social events to the MBA online calendar.

The idea behind the MBA offering other organizations the ability to access our online calendar was to create **one** site where all law-related events could be listed to help prevent conflicts.

Please consider adding your social events to the MBA online calendar at the following link: mbabar.org/Calendar/SubmitAnEvent.html. Or, you may contact the MBA by emailing us at mba@mbabar.org to add your item to our online calendar.



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John Henry Hingson III has an office available in his building at 409 Center St., Oregon City. Close to elevator; off-street parking; law library; conference room; share copier, fax, etc. with three other lawyers. 503.656.0355.

Law Office Space Available Downtown

Honeyman House, 1318 SW 12th, Portland. Professionally remodeled Victorian House. Window view offices, secretarial space, easy street parking for clients, 10 minute walk to courthouse, and easy freeway access. Amenities include law library, large conference room, copier, fax, parking and more. \$600 a month and lease available. Contact Eric at 503.224.1212.

Beaverton Office Space

Beaverton attorney office building for over 35 years on 2nd and Tucker has six to eight offices with reception area, library/conference room, amenities and parking. Flexible to rent/lease entire space or individual office to sole practitioners. Currently four sole practitioners in building with some overflow/referral. From \$300 for small office to \$400 for full-size office. Work assistant spaces available. Call Sheila or Bob at 503.641.7888.

Positions

Associate Attorney (Portland, OR)

We are seeking a litigation associate with two+ years of experience for our established East Portland law firm. Candidates must be current members of the Oregon State Bar, Washington State Bar membership is desired. Prior litigation experience is strongly preferred, but judicial clerkships, or related experience, may be considered.

You must be professional, competitive, a powerful communicator, a team player and an excellent legal writer. Practice includes all aspects of civil litigation (e.g., family law, personal injury, real estate disputes, probate disputes, landlord/tenant law, etc.) and non-litigation matters (estate planning, real estate transactions,

etc.). Associates are responsible for research, motion practice, case development and a variety of court appearances.

We will offer a competitive salary and benefits package, along with free parking. The compensation package will depend upon experience and skills.

Applicants must email all of the following items, in order to be considered for this position: (1) resume; (2) cover letter; (3) writing samples; (4) references; and (5) salary expectation.

Email: warrenallenllp@outlook.com.

Preg, O'Donnell & Gillett

A Civil Litigation firm with offices in Seattle, Portland, and Anchorage, seeks a highly-motivated associate to join our Portland office. The ideal candidate will have at least three years of experience with a focus on personal injury and construction defect litigation. Must be licensed to practice in Oregon (with Washington preferred). We offer a competitive salary, benefits, and a performance-based bonus program. Interested applicants may send cover letter, resume, professional references, and a writing sample by email to: Debra Pejovic, Human Resources Director, dpejovic@pregodonnell.com or by mail: 901 5th Ave. Ste. 3400, Seattle WA 98164. No phone calls please. EOE.

Portland Based Immigration Law Firm

Is seeking attorney with at least five years' experience and a well-established practice either in immigration or a compatible practice area. Interested persons please reply to pacificnwlawfirm@gmail.com.

Associate Attorney Family Law

Small, busy Portland family law firm seeks enthusiastic associate. Friendly, supportive work environment. 2-5 years' relevant experience preferred. Email letter/resume to mark@kramer-associates.com.

Discipline Paralegal

The Oregon State Bar is looking for someone to process lawyer trust account overdraft notification matters and provide paralegal/trial assistant support through all phases of formal proceedings.

The Bar invites all interested applicants to submit a cover letter and resume. Please visit www.osbar.org/osbcenter/openings.html for job details & information about how to apply.

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Litigation Associate Entry Level

Cosgrave Vergeer Kester has an immediate opening for an entry level associate to join our civil litigation practice. Work assignments may include personal injury, general liability, business, and construction litigation. Some prior litigation

experience (minimum one year) including clerkship or externship desirable. Strong academic record, demonstrated analytical and writing skills and Oregon Bar membership is required.

Experienced Litigation Associate

Cosgrave Vergeer Kester has an immediate opening for an experienced associate to join our civil litigation practice. Work assignments may include personal injury, general liability, business, and construction litigation. A minimum of three years' prior litigation experience is required. Strong academic record, demonstrated analytical and writing skills and Oregon Bar membership is required.

This is a good opportunity to join a well-established firm with strong roots in the Northwest. With 37 attorneys, the firm is known for its exceptional client responsiveness and highly effective advocacy in both the courtroom and the boardroom. Cosgrave's clients range from individuals and small business owners to national and international corporations. We offer a unique opportunity to develop professionally in a collegial working environment among many of the best trial, appellate, and business lawyers in Oregon.

Cosgrave Vergeer Kester LLP is an equal opportunity employer. We welcome all applicants and strive to provide a workplace in which all employees feel included, respected and valued. Qualified applicants for either position should visit our website at www.cosgravelaw.com to submit the following:

- Cover letter
- Resume
- Writing sample (five pages)
- Law school transcript

Documents may be uploaded in Word or PDF format on the website. Applications must include all documents for full consideration. All inquiries will be handled confidentially.

Folawn Alterman & Richardson LLP

A small to mid-sized law firm with a diverse practice in general commercial litigation experience is looking for an associate. The ideal candidate has excellent written and oral communication skills, is self-directed, has a strong legal acumen, an entrepreneurial spirit, and is ready to work in an exciting and positive environment. Admission in OR and WA preferred. Please send a resume, reference and a writing sample to Marisa Martin at marisa@FARlawfirm.com.



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News From the Courthouse

Continued from page 10

ways to move certain functions offsite into less expensive office space on both the court and the county side of the equation.

Judicial Outreach

Judge Amy Holmes Hehn will be chairing the Judicial Outreach Committee. John Casalino volunteered to be a liaison to the committee. The MBA provides administrative support for this program, which identifies opportunities for judges to speak to community organizations and similar groups about the

importance of a functioning court system, the rule of law and the role of the judicial branch of government.

Justice Reinvestment Program Underway

Oregon will need to build more prisons unless it can reduce reliance on prison beds. HB 3194 provides funding to counties for the purpose of developing programs to keep people out of prison. The court is currently working on plans to implement these programs.

Judicial Salaries

In the National Center for State Court's ranking of trial general jurisdiction courts, Oregon is

near the very bottom of state rankings on judicial salaries. There will be an effort this legislative session to increase judicial salaries.

Law Library

On August 18, Jacque Jurkins marked 50 years of service to the Multnomah Law Library. Her service to the bar and to our community is noteworthy and commendable.

The court and Multnomah County recently funded a PSU study on transforming the law library. The study will be shared with the Multnomah Law Library Board. There is a large demand for resources to provide serves to the self-

represented. Approximately 85% of family law cases and 23% of civil cases involve at least one self-represented litigant. The new courthouse will not have as much space to dedicate to a new law library. The PSU study will help define how a leaner space can be used to meet today's demands for law library resources.

East County Courthouse

The court is looking at ways to better utilize the East County Courthouse (ECC), and has implemented several changes toward achieving that goal. On two days of the week the Family Court is using the ECC; on Monday for Family Abuse Prevention Act Restraining Order petitions, and on Wednesday for Family Law ex

parte and scheduled domestic relations hearings. Civil cases are also being scheduled for jury trials in the ECC. At the time of the Trial Readiness Conference, parties are asked if the trial could be set at the ECC; currently there are trials set out into February to use an ECC courtroom if assigned from the call calendar to trial. Jurors will be available at the ECC on the scheduled civil trial dates, and judges will be assigned at call.

The court would like to expand the ECC cases handled daily to include Small Claims and FEDs, but is constrained by the lack of sufficient staffing as the result of staffing cuts. The court has resubmitted a request for additional ECC staff for 2015.



Thank you Carol!

The lawyers and staff of **Davis Wright Tremaine LLP** extend their gratitude to Carol Bernick for her 25 years of service to the firm and ongoing service to the legal profession.

We look forward to upholding your legacy of excellence!



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Pro Bono Volunteers

Thanks to the following lawyers and law students who donated their pro bono services recently via the Volunteer Lawyers Project, the Senior Law Project, law firm clinics, the Oregon Law Center, the Nonprofit Project, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark's Small Business Legal Clinic, Children's Representation Project, and Changing Lives Forever Project. To learn more about pro bono opportunities in Multnomah County, go to www.mbabar.org and click on "About Us" and "Pro Bono."

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Saturday, November 1

Check-In at 5:30 p.m., Bowling 6-9 p.m.

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The second of four events that make up the Opportunities for Law in Oregon (OLIO) program, BOWLIO is a fundraising and networking event for OLIO.

OLIO is the OSB's recruitment and retention program for law students who can contribute to the bar's historically or currently underrepresented membership; who have experienced economic, social, or other barriers; who have a demonstrated interest in increasing access to justice; or who have personally experienced discrimination or oppression.

Join OLIO for a fun-filled evening! Soft drinks and snacks will be provided. No host bar available onsite.

Cost:

Law Students / Children 3 and under = FREE
 First Year Licensee / Children 4-11 years = \$25
 Attorneys / Judges / Children 12 and older = \$50

To Register:

Contact Toni Kelich at tkelich@osbar.org

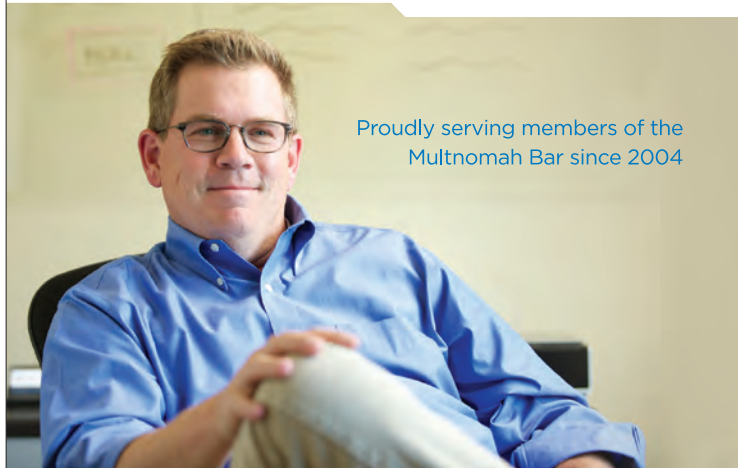
BOWLIO theme is inspired by Dia de los Muertos, a Latino celebration which traditionally takes place on November 1.

BOWLIO 2014 Sponsors:

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Elders in Action

Continued from page 4

April and May. The first and last session introduced Elders in Action, the various volunteer opportunities available, and provided tools for becoming engaged advocates and citizens. Kristen West McCall, an attorney at Pickett Dummigan LLP and board member stated, "When my firm had the pleasure of hosting the opening session of *Civics 101*, I witnessed a Portland community at its best. I watched a group of very diverse citizens excited to discuss and experience the role of government, engage and participate. I am honored to work alongside staff and volunteers at Elders in Action who continuously and creatively support and enhance our age-friendly community."

The second session was a candidates' forum for candidates running in local political elections. Sessions four and five provided tours of City Hall (pictured on p. 4) and Multnomah County Offices and included question and answer segments with City of Portland Commissioner Nick Fish and Multnomah County Commissioner Loretta Smith. Elders in Action successfully recruited a LGBT community member to its commission and is actively recruiting two additional minority elders. The participants in the *Civics 101* series all provided favorable feedback and expressed a renewed desire to become more involved in the community.

On behalf of Elders in Action, Leslie expressed her appreciation to the MBF and to MBA members who donated to the Civic Engagement Fund, which provided the nonprofit with its 2013 grant. Leslie encouraged anyone who is interested in volunteering to contact her directly at leslie@eldersinaction.org. A great deal of information is available at eldersinaction.org, as well as its recently updated promotional video.

For more information about the Multnomah Bar Foundation, visit www.mbabar.org/foundation.

2015 MBA Professionalism Award Nominations due October 31

The MBA Professionalism Award is one of the most highly-regarded honors an attorney in our area can receive. Do you know a lawyer who is a pleasure to work with as both an ally and an adversary, who regularly goes well beyond minimum ethical and professionalism standards, who constantly mentors others and works to improve the quality of our practice as a whole? We strongly encourage you to nominate him or her for the 2015 MBA Professionalism Award. Any MBA practicing attorney

member, except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award.

Esteemed award recipients include Raymond Conboy, Thomas H. Tongue, Randall B. Kester, Frank Noonan Jr., Donald W. McEwen, Don H. Marmaduke, Noreen K. Saltveit McGraw, Thomas E. Cooney, John D. Ryan, George H. Fraser, Barrie Herbold, Walter H. Sweek, Daniel E. O'Leary, Mark R. Wada, Sandra A. Hansberger,

Robert C. Weaver, Walter H. Grebe, Susan M. Hammer, Carl R. Neil, Jeffrey M. Batchelor, Judy D. Snyder, Garry L. Kahn, Michael D. Schrunk, Edwin A. Harnden, Thomas W. Brown and Mark Johnson Roberts.

Former nominees may be and often are re-nominated. To propose an outstanding attorney for this year's award selection process, please complete and return the nomination form included in this issue of the *Multnomah Lawyer* and available at www.mbabar.org or contact Kathy Modie, Professionalism Committee staff liaison, kathy@mbabar.org for more information.

mba|EVENT

Bench Bar and Bagels

Thursday, November 13

Tonkon Torp

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7:30-8:30 a.m.

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