



## A Call to Multnomah County Attorneys Help Bridge the Urban-Rural Pro Bono Divide

by Maya Crawford  
Legal Aid Services of Oregon

More than 850,000 Oregonians live in poverty and are eligible for free civil Legal Aid. This number represents a 61.5% increase in poverty since 2000. Some rural communities have been even harder hit, such as Central Oregon, where there has been a 70% increase in poverty during this same time period. With this increase, Oregon's four Legal Aid programs have seen an increased demand for services. Legal Aid helps people in poverty with a wide variety of legal problems. We help domestic violence survivors obtain civil protection orders; protect the rights of the homeless and help them get access to needed services; help tenants living in substandard housing; help the elderly and people with disabilities secure medical assistance; help homeowners facing foreclosure; and help workers to obtain unemployment benefits when they have been wrongly denied.

As poverty has increased, resources for Legal Aid have not kept up with demand. We have always leveraged our resources by engaging the services of pro bono attorneys. In 2014, hundreds of pro bono lawyers handled more than 2,500 pro bono cases and contributed many thousands of hours of free legal work. The vast majority of this volunteer work has been coordinated through Legal Aid's Portland pro bono initiatives such as law firm legal clinics and the MBA-supported Volunteer Lawyers Project.

Given our limited resources, Oregon's Legal Aid organizations develop service delivery models based on best practices as laid out by groups such as the ABA and the OSB Legal Services Program. One of our guiding principles is that we ensure relatively equal access to justice statewide, so that clients have access to Legal Aid attorneys regardless of where they live. We need the help of Multnomah County private attorneys to make equal access to pro bono attorneys a reality.

About 21% of Oregon's poverty population lives in Multnomah County. By contrast, nearly half of the licensed attorneys in Oregon are located in Multnomah County and nearly 65% are located in the greater Portland metro area. In order to adequately serve the 79% of low-income Oregonians living outside of Portland, Legal Aid is calling on MBA members to reach beyond our geographic borders to represent clients in all corners of the state. In an effort to facilitate this process, Legal Aid used funding from the Meyer Memorial Trust to create a Statewide Pro Bono Manager position. I was hired to fill the position and could not be more thrilled! I look forward to working with attorneys across the state to expand pro bono opportunities.

In this day and age where technology is ubiquitous, there are fewer barriers to urban attorneys providing legal help to rural clients. While we cannot yet make virtual court appearances, there are many

types of legal problems that lawyers can solve with the use of phones, the internet, and videoconferencing. For example, many types of administrative law hearings, such as unemployment compensation hearings, happen by telephone. A rural client can scan and email rental paperwork to a Portland area pro bono attorney and the attorney can advise him or her over the phone about whether or not they are entitled to a deposit return. With a local Legal Aid office facilitating referrals and the sharing of documents, there are many core poverty law issues that can be solved without the attorney and client meeting in person. Training and mentoring can happen virtually as well.

The law firm of Miller Nash Graham & Dunn LLP has long been an innovator when it comes to serving pro bono clients. They will be partnering with Legal Aid on a novel approach to pro bono, a virtual clinic we are calling the "Adopt a Legal Aid Office" project. Elisa Dozono, a partner at the firm and their Pro Bono Committee chair states that, "our firm is excited about the opportunity to work with Legal Aid to problem-solve around serving rural clients. For example, through the use of technology, clinics could be facilitated via videoconferencing, enabling Miller Nash Graham & Dunn attorneys in any of our offices to speak 'face to face' with clients at a regional Legal Aid office."

This type of partnership, a large firm adoption of a regional office for pro bono service, has never been undertaken in Oregon before. Legal Aid thanks Miller Nash Graham & Dunn for exploring this model with us. We are hopeful that it will be a model we can emulate with other Portland area law firms.

Legal Aid also coordinates a statewide pro bono listserv called Pro Bono Oregon. Private attorneys anywhere in the state can join the listserv. Legal aid offices post cases on a weekly basis. Pro bono attorneys select the matter they are interested in, contact the office to get details on the case and conflict information and then decide whether to take a case. Opportunities include full representation, client advice, co-counseling and mentorship.

Multnomah County attorneys are needed now more than ever to help bridge the urban/rural pro bono divide. If you are interested in more information on how you can help, please contact me at maya.crawford@lasoregon.org. Together we can make a real difference in the lives of low-income Oregonians.

**In this day and age where technology is ubiquitous, there are fewer barriers to urban attorneys providing legal help to rural clients.**

## mba|CLE

To register for a CLE, please see below or go to [www.mbabar.org](http://www.mbabar.org) and log in as a member to register at the member rate.

### OCTOBER

#### 10.6 Tuesday Peer Review Privilege in Medical Malpractice Cases

Judge Jerry Hodson  
Nikola Jones  
Jane Paulson

#### 10.7 Wednesday Summary Judgment

Sarah Crooks  
Andrew Schpak

#### 10.8 Thursday Legislative Update

Susan Grabe  
John Davis  
Shemia Fagan

#### 10.27 Tuesday Elder Abuse Reporting

Amber Hollister  
Ellen Klem  
Judge Katherine Tennyson

#### 10.28 Wednesday "The Slants" Band – Racial Slur or Reclaiming a Stereotype?

Duane Bosworth  
Frank Garcia  
Parna Merhbani  
George Nakata  
Simon Tam

#### 10.29 Thursday Accounting Literacy for Corporate Attorneys and Litigators

Sarah Padfield  
Jay Sickler  
Tim Snider

### NOVEMBER

#### 11.3 Tuesday Collateral Immigration Issues in Your Practice: What You Need to Know If You Don't Practice Immigration Law

Sarah McClain  
Brent Renison

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## mba|EVENT

### MBA Absolutely Social

The Grape Escape  
featuring Wine Tasting

Thursday, October 22

The University Club

5-7 p.m.

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

See insert for details to RSVP.

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**DEADLINE for copy: The 10th of the month\***

**DEADLINE for ads: The 12th of the month\***

\*or the preceding Friday, if on a weekend.

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## Resources for Pro Bono Attorneys

### LOCAL RESOURCES:

#### Multnomah Bar Association

[www.mbabar.org/about-us/pro-bono.html](http://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](http://www.osbar.org/probono)

Find information on pro bono in Oregon that includes volunteer opportunities, pro bono hours reporting, 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](http://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 CLE's 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](http://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

[211info.org](http://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](http://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](http://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](http://www.probono.net)

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



## CHOOSE ONE OF PORTLAND'S TOP DOCTORS

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# Calendar

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

## OCTOBER

**7 Wednesday**  
**MBF Game Night**  
See p. 8

**9 Friday**  
**November Multnomah Lawyer deadline**

**10 Saturday**  
Lewis & Clark Law School Centennial Celebration  
[law.lclark.edu/centennial\\_celebration](http://law.lclark.edu/centennial_celebration)

**13 Tuesday**  
League of Women Voters Speaker Series  
[www.lwvpx.org](http://www.lwvpx.org)

**16 Friday**  
OWLS Fall CLE  
[www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org)

OGALLA Annual Dinner  
[www.ogalla.org](http://www.ogalla.org)

**22 Thursday**  
**MBA Absolutely Social**  
[www.mbabar.org](http://www.mbabar.org)

**23 Friday**  
CEJ Laf-Off  
[campaignforequaljustice.org](http://campaignforequaljustice.org)

**24 Saturday**  
YRJ Wine & Chocolate Extravaganza  
[www.youthrightsjustice.org](http://www.youthrightsjustice.org)

**29 Thursday**  
OSB Pro Bono Fair

**30 Friday**  
OAPABA Annual Dinner  
[oapaba.org](http://oapaba.org)

**MBA Professionalism Award Nominations Due**  
[www.mbabar.org](http://www.mbabar.org)

## NOVEMBER

**3 Tuesday**  
**MBA Solo/Small Firm Marketing Tips**  
See p. 15

**5 Thursday**  
**New Admittee Social**  
[www.mbabar.org](http://www.mbabar.org)

**10 Tuesday**  
**December Multnomah Lawyer deadline**

**12 Thursday**  
**Bench Bar & Bagels**  
See p. 13

US District Court Historical Society Annual Dinner  
[usdchs.org](http://usdchs.org)

**17 Tuesday**  
**MBA Solo/Small Firm: Managing Clients**  
See p. 15

**26-27 Thursday-Friday**  
**Thanksgiving Holiday**

## Renew Your MBA Membership for 2016

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**
- **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 2016 by December 31 to receive a \$50 credit toward CLE programming.** Visit [www.mbabar.org](http://www.mbabar.org) to renew today.



## MEMBER BENEFIT

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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.

## Peer Review Privilege in Medical Malpractice Cases

Tuesday, October 6, 2015  
12:00-1:00 p.m.

Standard Insurance Building  
Auditorium  
900 SW 5th Ave., Portland

Members \$35  
Non-members \$55

A peer review body is a committee of medical staff at a healthcare facility that credentials, supervises, engages in quality review, or disciplines physicians or other healthcare professionals. Data provided for purposes of peer review to a peer review body or created by or at the direction of a peer review body is statutorily privileged and is not admissible in any judicial proceeding. This CLE will be presented by **Judge Jerry Hodson**, Multnomah County Circuit Court; **Nikola Jones**, Lindsay Hart and **Jane Paulson**, Paulson Coletti. The class will explore:

- What is “peer review,”
- What is a “peer review body,”
- What does it mean to provide data “for the purposes of peer review,”
- What have parties claimed is privileged,
- What do lawyers argue and
- How have courts ruled?

### For more information:

Call Judge Youlee You, Multnomah County Circuit Court at 503.988.3404. For registration questions, call the MBA at 503.222.3275.

## Summary Judgment

Wednesday, October 7, 2015  
3:00-5:00 p.m.

World Trade Center  
Auditorium  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

**Sarah Crooks**, Perkins Coie and **Andrew Schpak**, Barran Liebman will discuss the effective preparation of summary judgment motions and presentation of oral argument, including what to cover in the motions and arguments, how to organize the arguments for maximum persuasive impact, how and when to use exhibits, best practices for presenting oral argument, responding to questions from the judge, and other useful information for preparing for and arguing summary judgment in state and federal court.

### For more information:

Call Sean Ray, Barran Liebman at 503.276.2135. For registration questions, call the MBA at 503.222.3275.

## Legislative Update

Thursday, October 8, 2015  
3:00-5:00 p.m.

World Trade Center  
Plaza Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

Hear about key developments during the 2015 session of Oregon State Legislature, focusing on changes to laws that may affect your business/property rights/litigation practice or your clients' interests. Join panelists **Susan Grabe**, Director of OSB Public Affairs, State Representative **John Davis**, a business and real estate attorney at McEwen Gisvold, and State Representative **Shemia Fagan**, a litigation attorney at Ater Wynne, for an inside look at legislative activity in 2015 and a preview for the 2016 short session.

### For more information:

Call Leslie Johnson, Kent & Johnson, LLP at 503.220.0717. For registration questions, call the MBA at 503.222.3275.

## Elder Abuse Reporting

Tuesday, October 27, 2015  
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 1 hour of OSB Elder Abuse Reporting credit.**

**Amber Hollister**, Deputy General Counsel to the Oregon State Bar; **Ellen Klem**, Oregon Department of Justice; and Multnomah County Circuit Court **Judge Katherine Tennyson**, will present this CLE on the Elder Abuse reporting requirement for attorneys, which took effect on January 1, 2015. This program is intended to inform lawyers of their legal responsibilities as mandatory reporters, while maintaining their ethical obligations to clients.

### For more information:

Call Cynthia Newton, Swanson Thomas Coon & Newton at 503.228.5222. For registration questions, call the MBA at 503.222.3275.

## “The Slants” Band - Racial Slur or Reclaiming a Stereotype?

Wednesday, October 28, 2015  
12:00-1:30 p.m.

World Trade Center  
Mezzanine  
26 SW Salmon, Portland

Members \$45  
Non-members \$65

**Note: This class will be worth 1.5 hours of OSB MCLE Access to Justice credit.**

In April 2015, the Court of Appeals for the Federal Circuit upheld the US Patent and Trademark Office's decision denying a trademark request by the Portland band “The Slants” on the ground that the term is disparaging to people of Asian descent. Later this year, the court will rehear the case en banc on the issue of whether the bar on registration of disparaging marks in 15 U.S.C. § 1052(a) violates the First Amendment. Join **Parna Mehrbani**, trademark attorney with Lane Powell, **Duane Bosworth**, First Amendment attorney with Davis Wright Tremaine, **Simon Tam**, band member of The Slants, **Frank Garcia**, consultant and former director of diversity and inclusion for the Governor's Office and Oregon State Bar, and **George Nakata**, Japanese-American internment camp survivor, for a panel discussion about this case and its implications.

### For more information:

Call Judge Youlee You, Multnomah County Circuit Court at 503.988.3404. For registration questions, call the MBA at 503.222.3275.

## Accounting Literacy for Corporate Attorneys and Litigators

Thursday, October 29, 2015  
3:00-5:00 p.m.

World Trade Center  
Sky Bridge Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

Let's just admit it - lawyers are usually not numbers people, and certainly not accountants. For this session, two very experienced CPAs give lessons on how to navigate and understand the types of financial information regularly generated by corporate clients or presented for analysis during litigation. For more than 25 years, **Jay Sickler**, CPA, has specialized in providing Financial Forensics and Business Valuation services. He will talk about the types of financial information he analyzes for the work he does for his clients, what kinds of financial and accounting information to request, and how to assess the quality of what is produced. **Sarah Padfield**, CPA, has over 10 years of experience in public accounting. Her career has focused on the preparation of financial statements that are in accordance with GAAP. She will share how significant disclosure requirements have changed recently, and what to be on the look-out for when trying to read a set of financial statements. **Tim Snider**, a litigation partner with Stoel Rives, will moderate. This program will be specifically designed to enhance a lawyer's understanding of a client's financial data.

### For more information:

Call Leslie Johnson, Kent & Johnson, LLP at 503.220.0717. Call the MBA at 503.222.3275.

## Collateral Immigration Issues in Your Practice: What You Need to Know if You Don't Practice Immigration Law

Tuesday, November 3, 2015  
3:00-5:00 p.m.

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

**Note: This class will be worth two hours of OSB MCLE Access to Justice credit.**

Hear from immigration lawyers about the ways immigration law impacts your practice. Consider how immigration status may affect access to the courts and access to effective representation, as well as how immigration issues create malpractice traps in criminal, family, employment and corporate law practice. **Brent Renison**, Parrilli Renison LLC, and **Sarah McClain**, Marandas & McClellan LLC, have both spent their entire careers in immigration law. They will cover collateral issues in corporate M&A, hiring practices, plea agreements, crime victims, and domestic support obligations and teach you to spot issues in a wide range of settings.

**For more information:**

Call Leslie Johnson, Kent & Johnson, LLP at 503.220.0717. For registration questions, call the MBA at 503.222.3275.

## Advising Cannabusinesses in Oregon's Newest Emerging Market

Thursday, November 5, 2015  
3:00-5:00 p.m.

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

This CLE is being presented by **Bernard Chamberlain** and **Genny Kiley** of Emerge Law Group; and **Sean Clancy** of Day and Koch, counsel who have been the pioneers providing legal advice to businesses in the new and growing Oregon cannabis marketplace. The speakers will familiarize business attorneys with some of the specific legal issues that confront Oregon businesses engaged in this new market, including business formation, taxation, licensing and compliance, copyright and trademark, and other relevant legal issues..

**For more information:**

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

## Witness Preparation: A "How to" Guide for More Effective Preparation Sessions

Thursday, November 19, 2015  
3:00-5:00 p.m.

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

Covering deposition and trial preparation, this CLE highlights the shortcomings of traditional approaches used and advice given in the preparation of key witnesses and provides a detailed "how to" guide for more effective preparation sessions. Panelists, **Jill Schmid, Ph.D.**, Partner and Senior Litigation Consultant, Sound Jury Consulting and **Joe Arellano**, Partner, Kennedy Watts Arellano LLP will address:

- the use of role-playing and video feedback
- overcoming barriers to effective communication (centering on the "problem" or "difficult" witness)
- the importance of and how to instill confidence and control in your witness
- how jurors assess witness credibility, and
- the impact of verbal and nonverbal behavior on the overall credibility of the witness's testimony.

A mock preparation session will demonstrate some of the "do's" and "don'ts."

**For more information:**

Call Seth Row, Miller Nash Graham & Dunn LLP at 503.205.2318. For registration questions, call the MBA at 503.222.3275.

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

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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.

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503.222.3275 ■ Fax to: 503.243.1881

**Register online and order or download MBA self-study materials at [www.mbabar.org](http://www.mbabar.org).**

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

**Seminar Selection:**

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

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- Class Registration Online (\$30 Members/\$50 Non)  
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**10/7 Summary Judgment**

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**10/28 "The Slants" Band - Racial Band or Reclaiming a Stereotype?**

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**10/29 Accounting Literacy for Corporate Attorneys and Litigators**

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

**11/3 Collateral Immigration Issues in Your Practice**

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

**11/5 Advising Cannabusinesses in Oregon's Newest Emerging Market**

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

**11/19 Witness Preparation: A "How To" Guide**

- Class Registration Online (\$30 Members/\$50 Non)  
 Class Registration (\$35 Members/\$55 Non) ..... \$ \_\_\_\_\_  
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## Teaching Empathy Why I Don't Insulate My Kids from Hardship

by Sarah Radcliffe  
MBA Professionalism Committee



*"You can't be neutral on a moving train"*  
- Howard Zinn

for a quick exit strategy. Then their faces perked up when the husband landed on the seemingly appropriate response: "You must have a heart of gold!" I could hardly contain my annoyance. I don't need a heart of gold to do meaningful, interesting work. It's a privilege to do what I do. The conversation topic was quickly changed, and then they politely excused themselves.

When I look at my children, their friends, their soccer games, field trips, summer camps, and music lessons, I am struck by the contrast between their innocence, happiness, and privilege, and the profound suffering that I encounter daily in my work. So many of my clients were already discarded by the time they reached my children's tender ages. They were abused and neglected, they were poor; many of them were in foster care and then institutionalized in youth detention centers. They experienced trauma, they developed mental illnesses. At every juncture, they were pushed

farther out of sight and out of mind. Their suffering was hidden and contained. They were put in locked institutions, and then in solitary confinement within those institutions. That is what we do with the people that, as a society, we choose to discard.

People in locked institutions are so far removed from our collective awareness that even mentioning them causes my neighbors to turn away. For my family, it's a little different. I don't share gory details, but I do talk about my work at the dinner table. My children know that I feel passionately about my work, and sometimes they see me cry. I hope they choose not to insulate themselves in a bubble of privilege and affluence, and pretend that poverty and injustice are only occurring in faraway places. I don't expect my children to become civil rights attorneys, but whether they grow up to be carpenters, teachers, or dentists, I want them to be people who don't shrink from other people's suffering. I want them to have the stamina to stomach sadness and unfairness. I want them to be able to get past the discomfort and find genuine interest - "What happened to you? ... Why are you sad?" I hope that when they encounter misery, they will have the strength to say, "Tell me your story. I can handle it."

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Last week I attended a block party and met some new neighbors. In response to the "What do you do?" question, I said that I am a public interest lawyer, and I work on civil rights issues affecting institutionalized individuals with mental illness. The neighbors' faces briefly darkened, as if they were looking



Joel K. Overlund

Gary J. Zimmer

Katie C. Goss

Wendy S. Fay

Sarah H. Bond

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## Recognize Those Who Help

Watch for the nomination form in a future issue.

Nominations due January 22, 2016.

## MBA • LASO • OLC Pro Bono Awards

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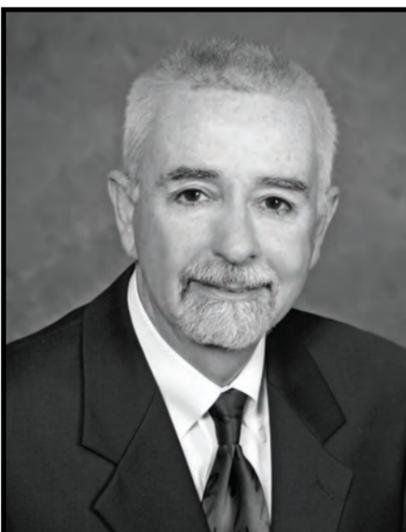
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## mba | ANNOUNCEMENTS

### Free CLE Webcast to MBA Members

The video webcast of the seminar entitled "Buying, Selling or Transitioning In or Out of Law Practice" is now available in the Members Center at [www.mbabar.org](http://www.mbabar.org). The webcast is worth 1.5 hours of Practice Skills and 0.5 hour of Ethics OSB MCLE credit.

MBA members receive access to a rotating selection of six different CLE seminars each year - a \$300 value.

### MBA Professionalism Award Nominations due Friday, October 30

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 on the MBA website.

### Take a Matter that Matters

Sign the MBA Pro Bono pledge at [www.mbabar.org/about-us/pro-bono.html](http://www.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.

### Legal Aid Receives Grant

The Portland regional office is the recipient of a \$38,000 grant from the Roscoe C. Nelson Jr. Fund for Pro Bono Law Services to the Poor administered by the Oregon Community Foundation. Nelson practiced law in Oregon for 52 years and helped the poor by providing free legal services throughout his career. His family members and friends established the fund to honor this tradition. The purpose of the endowment is to connect volunteer lawyers with low-income people in need of legal services in Multnomah County.

## 2016 MBA Professionalism Award Nominations Due October 30

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 2016 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.

Past award recipients are 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. Schrunck, Edwin A. Harnden, Thomas W. Brown, Mark Johnson Roberts and Robin J. Selig.

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 available at [www.mbabar.org](http://www.mbabar.org) or contact Kathy Modie, Professionalism Committee staff liaison, ([kathy@mbabar.org](mailto:kathy@mbabar.org)), for more information.

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## Ethics Focus

### Pro Bono Staying Safe While Doing Good

by Mark J. Fucile  
Fucile & Reising



Lawyers are generous with their time and talents in the form of pro bono representation. When taking on that very commendable work, however, lawyers should remain sensitive to law firm risk management considerations. In the pro bono setting, those considerations frequently revolve around three core concepts: competence; diligence; and conflicts. In this column, we'll look at each in the particular context of pro bono representation.

#### Competence

Competence is one of our bedrock duties - so fundamental, in fact, that it is first in order in the Rules of Professional Conduct: RPC 1.1. Under that rule, competence is measured by the particular matter we are handling. In the pro bono setting, that can raise a key question: although a lawyer may be a specialist in a particular area - such as securities or intellectual property law - can the lawyer still take on a pro bono case that involves an area with which the lawyer doesn't regularly practice?

The answer is a qualified "yes." Lawyers are not prevented from taking on a matter in a new area. But, we are also expected to devote sufficient time to learn the area involved and to seek out more experienced help if we need it.

Comment 2 to ABA Model Rule 1.1, on which Oregon's rule is patterned, summarizes this notion nicely:

"A lawyer need not necessarily have special training or prior experience to handle legal problems of a type with which the lawyer is unfamiliar. A newly admitted lawyer can be as competent as a practitioner with long experience. Some important legal skills, such as the analysis of precedent, the evaluation of evidence and legal drafting, are required in all legal problems. Perhaps the most fundamental legal skill consists of determining what kind of legal problems a situation may involve, a skill that necessarily transcends any particular specialized knowledge. A lawyer can provide adequate representation in a wholly novel field through necessary study. Competent representation can also be provided through the association of a lawyer of established competence in the field in question."

#### Diligence

Whenever we take on a matter, RPC 1.3 - the "diligence rule" - requires that we "not neglect a legal matter entrusted to the lawyer." Comment 3 to the corresponding ABA Model Rule observes that "[p]erhaps no professional shortcoming is more widely resented than procrastination." In short, whether the client is paying or

not, we need to handle the matter with the efficiency that would be reasonably expected under the particular circumstances.

"Diligence" can sometimes be a sensitive issue in the pro bono setting. A case taken on with great enthusiasm at a Monday night law clinic may be competing with an urgent matter for a paying client that arrives on the lawyer's desk Tuesday morning. If we are handling a pro bono case, we are expected to devote the same attention to it as we would a similar matter for a paying client. That doesn't mean that, just like "paying" matters, some schedule juggling won't happen. But, we can't simply ignore a pro bono matter either. In 2012, the OSB Disciplinary Reporter included a stipulation imposing a 60-day suspension on a partner at a large law firm who took on a pro bono case and was then found to have not handled it with the diligence required under RPC 1.3.

#### Conflicts

When Oregon moved to professional rules based on the ABA Model Rules in 2005, one of the new rules that was included addressed conflicts when providing limited scope representation in a pro bono (or equivalent) context - RPC 6.5. The comments to the corresponding ABA Model Rule reflect that it was intended to foster pro bono representation in circumstances - such as assisting low-income clients with completing forms - where full conflict checks may not be either feasible or available. The rule provides:

"(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the

*Continued on page 14*



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## Around the Bar



Lisa Amatangel

**Cosgrave Vergeer Kester**

Lisa Amatangel has joined the firm's complex tort practice group.

resources for Hispanic businesses in Oregon and Southwest Washington. Sam served on the board previously, taking a hiatus to complete a nine-month deployment in Afghanistan.



Josh Lamborn

**Josh Lamborn**

Josh Lamborn was elected to the Oregon Crime Victims Law Center (OCVLC) Board of Directors. OCVLC is a nonprofit 501(c)(3) organization that advocates for crime victims in Oregon. He opened his own firm in 2009 after serving as a Deputy District Attorney in Multnomah County for 12 years. His practice focuses on the representation of sexual assault victims, other crime victims and personal injury clients.



Andrew Schpak and Traci Ray



Sam Hernandez

**Barran Liebman**

Firm partner Andrew Schpak recently completed his term as chair of the ABA Young Lawyers Division, representing 140,000 young lawyers across the country. He now acts as an ABA YLD Delegate to the ABA House of Delegates, is a member of the ABA Standing Committee on Meetings and Travel and an LP Fellow to the ABA Law Practice Division. He also recently joined the American Bar Foundation Board, which is the nation's leading research institute for the empirical study of law. Locally, he sits on the MBA Board of Directors and is a member of its Finance & Operations Committee.

Executive Director Traci Ray has been appointed as vice chair on both the ABA LP Law Practice Today and the ABA Women Rainmakers Boards. Ray was recently a contributing author to *Marketing Success: How Did She Do That? Women Lawyers Show You How to Move Beyond Tips to Implementation*, published by ABA Law Practice Division, and is the Portland hostess for the Fall 2015 Local Programming.

Sam Hernandez has been re-elected to the Hispanic Metropolitan Chamber of Commerce Board of Directors. The chamber provides a forum for the Hispanic business community to share ideas, concerns and successes and aims to increase opportunities and



Michael Millender

**Tonkon Torp**

Michael Millender has been appointed co-chair of the firm's business department.

Millender is a partner in the taxation and executive compensation & employee benefits practice groups. His tax practice focuses on the federal, state and local taxation of businesses, with an emphasis on the structuring of business transactions and the taxation of corporations, partnerships and LLCs. In the benefits area, Millender advises clients on a wide range of issues involving retirement plans, equity-based plans and fringe benefit plans. He frequently represents clients in tax and benefits controversies involving the Internal Revenue Service, the Department of Labor, and state and local tax authorities.

**Davis Wright Tremaine**

In recognition of its success in collaborating with clients to build new solutions and service delivery models, the firm has been named 2015 "Innovative Law Firm of the Year" by the International Legal Technology Association (ILTA).

ILTA is the leading industry group for law firms and legal departments seeking to strategically deploy technology. According to ILTA, the award recognizes firms that "have delivered great business value and transformational impact through innovations and implementations."

and real estate practice teams. Kullen brings over 10 years of experience representing financial institutions and publicly traded companies, including over six years representing banks, loan servicers and individuals in congested judicial foreclosures and bankruptcy matters in state and federal courts throughout Oregon. His practice includes state-mandated resolution conferences, standing as successor trustee for non-judicial foreclosures, litigating judicial foreclosures, FDCPA/CFPB compliance and resolving real estate title issues. Kullen is also a member of and writer for the OSB Debtor-Creditor Section.



Tony Kullen

**Miller Nash Graham & Dunn**

Creditors' rights attorney Tony Kullen was added to the firm's business, financial transactions

*The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. The submission deadline is the 10<sup>th</sup> 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.*



Jillian Pollock



Sam Rayburn

**Buckley Law**

Jillian Pollock was elected by the firm's board of directors as a new shareholder.

As part of Buckley's legal team, Pollock's practice includes representing employers in federal and state court and in administrative proceedings. She also counsels business owners and leaders in employment matters, and is an expert in employment and business law.

Attorney Sam Rayburn has joined the firm as an associate, where his practice will focus on the representation of corporate and closely-held businesses in the areas of entity formation, mergers and acquisitions, real estate, employment, sports law, business litigation and dispute resolution.

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Join the Multnomah Bar Foundation for a fun night of carnival games, ping pong, a hosted bar and heavy hors d'oeuvres as we raise money for the MBF Civic Engagement Fund, award CourtCare trophies, and share information about the good work of our grant recipients. There is no cost to attend, but space is limited. Please RSVP by October 2 online at [www.mbabar.org](http://www.mbabar.org) or to Shannon West ([shannon@mbabar.org](mailto:shannon@mbabar.org), 503.222.3275).

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## Tips From the Bench

### Destination Document Production

by Judge Cheryl Albrecht  
Multnomah County Circuit Court

Every time I review defendants' rights at plea hearings, I advise them they are relinquishing the right to subpoena witnesses and evidence in their favor to court. That is the essence of compulsory process, guaranteed to an accused under the Sixth and Fourteenth Amendments of the United States Constitution, and Article I, Section 11 of the Oregon Constitution. That rule generally applies as well to documents. For medical records and other records protected by privacy laws, however, compulsory process is easier said than done. The road to compliance with those privacy provisions, for both the state and the defense, covers a wide variety of terrain, from the familiar territory of the Oregon Criminal Code to the distant lands of civil procedure rules and federal HIPAA laws.

The first stop is ORS 136.447, which immediately detours to ORCP 55H by incorporating that provision into criminal cases. ORCP 55H sets out procedures for obtaining "individually identifiable health information." While 55H allows records to be subpoenaed to a deposition, hearing or attorney's office, ORS 136.447 limits production of records to the court or the clerk of the court in which the matter is pending unless being produced directly to the grand jury. The attorney requesting the material must serve the custodian of records with a qualified protective order defined in ORCP 55H(1)(b) or with a declaration with supporting documentation regarding notice provided to the individual about the subpoena. ORCP 55H also governs when an attorney can inspect records, when they must be opened in court in the presence of all the parties, and when and how a third party may mail the records. Any records not introduced into evidence or required as part of the record must be returned to the custodian.

A similar roadside attraction can be found within the HIPAA provisions at 45 CFR 164.512(e), which permits an entity to disclose protected information in response to a court order, or in the absence of a court order, to a subpoena if the entity is reasonably satisfied the person seeking the subpoena has provided notice to the protected individual and that there will be a qualified protective order that meets the requirements of 45 CFR 164.512(e)(1)(v). In federal court, FRCP 17 requires a court order prior to subpoena of any protected information regarding victims.

The next stop is 136.580, which governs subpoenas duces tecum. Subpoenas duces tecum are not intended as a discovery tool and are subject to a motion to quash unless they subpoena



records to a trial or hearing at which they will be offered into evidence. *State v. Cartwright*, 336 Or 408, 415-416 (2004). Under ORS 136.580(2), a court may allow materials to be produced "prior to the trial or to the time when the books, papers, or documents are to be offered in evidence...." It's unclear how early a court can order materials produced, but the materials must be sought for evidentiary use at a hearing. *Cartwright*, at 415-416. A subpoena duces tecum requesting production of materials to a hearing at which no evidence is to be taken is a legal nullity. *Cartwright*, at 416-417.

There are many potholes on the road that can interfere with a party's quest for information. Records may be subject to privilege, including the psychotherapist, counselor or licensed social-worker privileges (though the physician privilege of OEC 504-1 does not apply in criminal court), or may fall within an exception if the defendant brings a mental state defense. Records may fall under the public records exemptions of ORS 192.501 and 192.502 or be exempt under ORS 179.505. They may be protected child welfare records under ORS 409.225, juvenile court records under ORS 419A.255, or fall within the Child Abuse Reporting Laws (or exceptions) of ORS 419B.035, et seq. or 45 CFR 1340.14. Drug and alcohol treatment records are protected under ORS 430.399 and 42 CFR Part 2 but may be disclosed under 42 CFR Part 2.65 for criminal investigations of "extremely serious crimes," including child abuse and neglect. The records may also be produced in response to a "legitimate law enforcement inquiry" under 42 CFR 164.512(f). These are but a sample. Practitioners would be wise to preview the map of protections and exceptions before venturing down the subpoena road.

If you get to the other side of that treacherous stretch, you may run into a roadblock in a black robe. A judge generally reviews protected records in camera using procedures similar to those set out in ORS 135.873 for protective orders in the discovery process. A judge is not required to conduct an inspection unless there is a threshold showing that there will be material present that is an exception to the rule of non-disclosure. *State v. Bassine*, 188 Or App 229, 235 (2003). The right to compulsory process does not include the right to all the records requested, but only



## News from the Courthouse

by Jolie Russo  
Court Liaison Committee

### Presiding Judge's Report

Presiding Judge Nan Waller and Trial Court Administrator Barb Marcille reported on courthouse activity over the summer. Despite the summer heat, things didn't slow down in the courthouse with lots of cases being tried and activity on the new courthouse and other projects heating up.

This summer, contracts with the architects selected for the project (SRG with Ricci Green) and contractor (Hoffman) were signed and design work on the courthouse began. The design team for the courthouse began meeting with all courthouse stakeholders, including representation from the MBA, this summer to decide on a vision for what the courthouse needs to be for the community. There is a consensus amongst the stakeholders that the courthouse needs to be a building that is both efficient and beautiful and that will stand as a testament to the community's commitment to the justice system for the next 100 years.

One of the issues being discussed is how to use the building to increase civic engagement by having the building accessible for other public uses such as meetings or evening events. Work is now being done to validate the program plan. The current plan calls for the four high-volume courtrooms currently in the courthouse (two traffic courtrooms, small claims and

landlord tenant) as well as the DA's office to not be in the new courthouse but to be located nearby. Both the DA's office and the Public Defense Services Commission will have "hoteling" space in the new courthouse. The new courthouse will not have sufficient space for the current law library collection but will include a legal resource center with an emphasis on providing space and resources to self-represented litigants.

The program validation work is anticipated to be completed by mid-October. Design work for the courthouse will then begin and will continue into 2016. Groundbreaking for the courthouse is scheduled for December 2016 with construction being completed by the end of 2019. The courthouse is scheduled to open in April of 2020. Throughout the courthouse design process there will be opportunities for public input, feedback and engagement. In the 2017 legislative session, the county will be seeking the final installment of the state match bond funding.

eCourt is continuing to be rolled out to all courts across the state, with all courts scheduled to be in the new system by June 2016. The court is open to feedback and suggestions from the bar on eCourt. Any requests for changes must be submitted to a statewide change committee.

Monica Herranz has been hired as a referee to fill a referee vacancy after Terry Hannon's retirement. Ms. Herranz will start on the bench when she has been approved to sit as a pro tem judge by the Supreme Court. The court will be posting for a new

referee position that was created out of funding attached to the photo radar bill passed by the legislature in this last session.

The American College of Trial Lawyers Expedited Jury Trial Committee proposed a new Streamlined Trial Project (STP), given the underuse of the current expedited jury trial program. The goal of the STP is to reverse the diminishing number of civil jury trials. Multnomah County Circuit Court was asked to pilot the STP. Chief Civil Judge Stephen Bushong has been working with the committee on the proposed STP rules and encourages feedback from the bar.

Multnomah County Circuit Court is continuing with its commitment to implementing the principles of procedural justice into the work of the court. The research on procedural justice shows that if litigants perceive that their treatment in court has been procedurally fair (i.e. they have been treated with respect, they have had an opportunity to be heard and they have understood the proceedings) they are more likely to accept the outcome of a case and more likely to follow court orders. The court will participate in two procedural justice assessments this fall. After a procedural justice baseline from the assessments has been established, the court will develop a plan to improve its procedural justice practices. The court has also established an internal education committee, chaired by Judge Cheryl Albrecht, with a goal of providing staff and judicial officers the training and tools that they need to best meet the needs of the public and litigants.

to those documents that are demonstrably relevant and with established "bearing" on a case. *State v. West*, 250 Or App 196, 204 (2012). Confrontation and compulsory process rights may give way to established evidence rules and procedures, such as those set out in OEC 412, or to the state's interest in excluding the evidence if it outweighs the value of the evidence to the defense. *State v. Fowler*, 225 Or App 187, 195-196 (2009). Any records

that are released are subject to the restrictions in the protective orders mentioned above.

Thorough research and planning is key to successful navigation of the winding roads of gathering protected information and can help ensure (with all apologies for the mixed metaphor) smooth sailing ahead.

## Annual Pro Bono Fair

by Cathy Petrecca  
Oregon State Bar

Celebrate all things pro bono on Thursday afternoon, October 29 with a fair, three free CLEs, a reception and an awards ceremony - all taking place at the World Trade Center in downtown Portland.

Join us as we celebrate the accomplishments of the firms and individuals reporting the most pro bono hours for last year. **Janet Hoffman & Associates**, **Barran Liebman**, and **Davis Wright Tremaine** are the three firms winning top honors this year. **Paul Southwick**, **George Galloway**, **J. Russell Rain**, **Sandijean Fuson** and **Matthew Dyal** are all individual winners. They'll be feted by Chief Justice Balmer, OSB President Richard Spier and others at 5:30 p.m. during the ONLD Pro Bono Challenge Awards Ceremony and hosted reception. Every year, the Oregon New Lawyers Division hosts this ceremony to celebrate the attorneys and firms who report the highest number of pro bono hours.

Three free, pro-bono-related CLEs precede the Awards Ceremony. If you're interested in attending, please contact Michelle Lane at the Oregon State Bar: [mlane@osbar.org](mailto:mlane@osbar.org). Topics this year:

- Expungement Law Basics: Everything You Need to Know to Set Aside Convictions and Arrests

- Representing College Students: Overview of the PSU Student Legal Services' Pro Bono Program
- Pro Bono for New Lawyers: Getting Your Feet Wet Without Drowning

Legal services providers who will be attending this year's Fair include Legal Aid Services of Oregon, Oregon Law Center, Elders in Action, ACLU of Oregon, the Victim Rights Law Center, Catholic Charities and more. They will be available to meet with attorneys and answer questions about their programs and volunteer opportunities. All of the providers will be available from 4:30-7 p.m. to speak with attorneys interested in volunteering.

The reception is hosted by the Oregon New Lawyers Division of the OSB, the OSB Pro Bono Committee, the MBA YLS, Legal Aid Services of Oregon and Oregon Law Center. Beer and wine are provided by Barran Liebman LLP and Miller Nash Graham & Dunn LLP. Heavy appetizers and small desserts will be available, along with refreshments.

This year's award winners have long and varied commitments to pro bono. **Paul Southwick**, an associate at **Davis Wright Tremaine**, became fully invested in a transgender discrimination claim in late 2013, representing a student expelled for fraud from

California Baptist University after the university learned that she was transgender. Named as one of the "Best LGBT Lawyers Under 40" by the National LGBT Bar Association, Paul is a committed advocate for LGBT rights and regularly represents pro bono clients in this evolving legal space. Mr. Southwick is the winner of the Individual-at-a-Firm Award.

**Sandijean Fuson** and **J. Russell Rain** are the co-winners of the Sole Practitioner Award. Fuson works in Malheur County, the poorest county in Oregon, and does pro bono work on behalf of disabled individuals and nonprofit organizations. Rain provides pro bono legal services to clients with distressed properties, often dealing with home foreclosures complicated by bankruptcy and other hardships. He practices in Portland.

**George Galloway** is the winner in the Active Pro Bono category. Galloway was a partner at Stoel Rives for more than 30 years, with a focus on energy law. In 2005, he moved to a small town in Eastern Oregon and started taking referrals from the Pendleton office of LASO. The type of work has varied, but has primarily involved family law cases followed by landlord/tenant. He has represented more than 500 people and is close to 6,000 "billable" hours.

**Matthew Dyal** is a Deputy District Attorney in Umatilla County. Before he began work as a DDA in late 2014, Dyal donated over 600 hours at the Marion County District

Attorney's office. He is the recipient of the inaugural Pro Bono Challenge Award given to a member of the ONLD.

**Janet Hoffman & Associates'** pro bono work for 2014 stemmed largely from two clients who needed continued representation through the appellate process. In one case, the firm represented a client at the Court of Appeals. In the other case, it represented a client who had not prevailed in the Court of Appeals by petitioning for review to the Oregon Supreme Court and then petitioning for reconsideration of denial of review. The firm's approach to pro bono work is to continue to work for clients who have a compelling constitutional issue or have suffered a manifest injustice. The firm members believe that it is their obligation to work for beneficial changes in the law, and they are honored to take on pro bono matters to support that belief. The firm values its pro bono work and gladly devotes significant time and resources to their cases.

In 2014, **Barran Liebman** attorneys participated in the U.S. District Court Pro Bono Program, worked with St. Andrew Legal Clinic on family law matters, with Legal Aid on direct representation, and lobbied the Oregon Congressional Delegation on legal services and pro bono matters. In addition, firm members provided representation for many of Portland's arts and cultural icons. The firm's involvement with these icons includes

bargaining with labor unions, negotiating employment contracts, drafting and revising policies and handbooks, and creating and implementing employee evaluation systems. Barran Liebman's pro bono partnership with some of these organizations dates back to the 1980s. In addition, members of the firm financially support nonprofits and Legal Aid, serve on numerous community boards and participate in community service activities.

**Davis Wright Tremaine** attorneys have a broad range of interests and political philosophies, and therefore pursue a wide variety of pro bono work, from corporate work for low-income business clients and entrepreneurs, to protecting civil rights. The firm has an ongoing commitment to assist disadvantaged families and homeless youth. Firm members participate in the Oregon U.S. District Court Pro Bono Program and the Appellate Pro Bono Program of the Oregon Court of Appeals. They also do extensive work with healthcare, housing, domestic violence and more. As a firm, Davis Wright Tremaine feels strongly that they have a responsibility to use their skills to assist those in need and help better society. The firm's pro bono policy permits its lawyers to find pro bono engagements that interest them and to receive billable credit for the work.

Thank you to all for your tireless efforts.

## Mary Tollefson Rising Family Law Attorney & Active Volunteer

by Sheri Osher  
Legal Aid Services of Oregon

Early on in her family law career in Newport, Oregon, Mary Tollefson had numerous requests from prospective clients to accept cases for free. She knew there was a vast need for pro bono family law services, but accepting those cases was not financially feasible at the time. She reluctantly turned the prospective clients away knowing they would likely not find assistance elsewhere.

Fortunately, Mary moved to Portland and joined her current practice at Kramer & Associates. Mark Kramer, the principal at her firm, is a long-time volunteer and supporter of the Pro Se Assistance Project (PROSAP) at Legal Aid Services of Oregon. Clients attending the PROSAP clinic meet with experienced family law attorneys to review completed divorce or custody paperwork and receive much-needed legal advice. Mark encouraged Mary to begin volunteering as well, and she never looked back. Now, years later, she has assisted dozens of low-income Oregonians in their family law matters.

Mary reports, "[C]lients are usually so grateful ... because they really need the help. Often the people I meet with don't speak English. The 'do it yourself' forms

are confusing enough for people who do speak English, but to add a language barrier on top of that, it makes it practically impossible for someone to finish the forms without a lawyer. Most people I meet with are so happy just to have me sit down with them and explain the forms."

Mary understands the importance of PROSAP and the vast unmet need from her work on the ground. She is now involved in a movement to expand the services available to low-income individuals in Multnomah County. As secretary of the Young Lawyers Section (YLS) of the MBA and in coordination with the Multnomah County Circuit Court, Mary is spearheading the creation of a project to assist self-represented litigants preparing family law judgments.

Mary prides herself on helping those individuals that may not otherwise have a voice in our legal system, both in her own practice and in her volunteer work with Legal Aid and the YLS. She knows how life-changing a family law case can be for an individual. She recounts one of her most proud moments as an attorney: "I represented a wife who had married her husband very young



Mary Tollefson

and had been married for about 20 years. She has always let him manage the finances ... [S]he was very distressed about everything and she pulled out a checkbook ... [S]he had no idea how to write a check ... We got the divorce finalized and she emailed me later to thank me for everything. She was really proud of herself because she had rented her own apartment, gone back to school, and gotten a job. She told me she was managing her own money for the first time and now was a skilled check writer."

Sheri Osher, who coordinates PROSAP, states that Legal Aid is fortunate to count Mary as a volunteer. "Lawyers are uniquely qualified to help people navigate our complex system of laws. Mary has seen first-hand the impact her guidance can have on the lives of her clients. Legal help should not be reserved for only those people fortunate enough to be able to afford it. Volunteers like Mary make a real difference in the lives of our clients."

## Northwest Employee Benefits, Inc. Joins AKT

Steve Doty, Northwest Employee Benefits, is pleased to announce that effective October 1, his firm will be joining AKT Benefit Advisors, a local employee benefits company affiliated with AKT CPAs and Business Consultants. Northwest Employee Benefits has been the plan administrator for the MBA's group health insurance plan since 1983 and works closely with members.

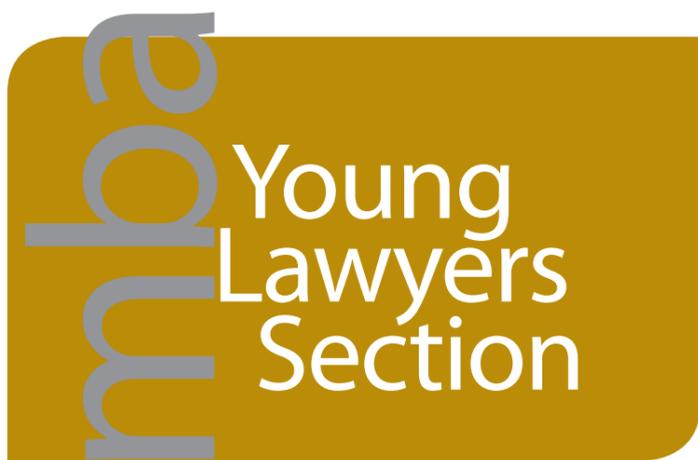
For over 30 years, Steve has managed the MBA health plan, which started with a few dozen enrollees and has grown to cover thousands of MBA members, employees and their families. Steve will continue to act as the main point of contact for the MBA plan, and by joining AKT will be able to offer members a wider range of services.

In addition to acting as the MBA's plan administrator, Steve has considerable expertise in legislative issues impacting health care reform, including serving as the chair of the Health Insurance Reform Advisory

Committee in 1995 and being directly involved in the drafting and implementing of legislation that created significant health insurance reforms in Oregon, bringing the state into compliance with the federal HIPAA legislation.

"Having Steve join AKT further enhances our ability to serve employee benefit clients and we look forward to an ongoing relationship with the Multnomah Bar Association," commented Steve Tatone, Managing Partner and CEO for AKT.

AKT CPAs, Advisors and Consultants is a West Coast based financial services firm providing an integrated suite of financial and consulting services to the business and nonprofit community. In addition to employee benefit services, management consulting, retirement plan solutions and wealth management, AKT continues its long tradition of providing tax planning and financial assurance services.



## Young Lawyers Section

### Wills for Heroes

by Timothy Lawson  
YLS Pro Bono Committee



It goes without saying that communities everywhere depend a great deal upon the services of first responders. Even in the best of times, the jobs of first responders necessarily take them into peril more often than most people. Certainly, as communities reflect on the anniversary of the September 11 attacks, all will recall the deaths of hundreds of police, firefighters, and paramedics who had risked their lives to evacuate people from the World Trade Center. Probably more than any other event in recent memory, this loss drove home the risks and hazards inherent in the work of these professionals.

However, given the risks of their jobs, first responders often do not have their affairs in order. Wills, powers of attorney, and other instruments are crucial to having some modicum of control when the worst-case scenario unexpectedly occurs. For these professionals, this heightened possibility of tragedy affects the young and old alike, and the consequences are the same. Without the proper documents, first responders may be unable to direct their own emergency medical care or control end-of-life decisions if seriously injured, and, if death occurs, the disposition of their property would be controlled by intestacy statutes, which could lead to undesired results.

To meet this need, the Wills for Heroes Program emerged to “protect those who protect us.” Founded in the aftermath of 9/11 by a South Carolina attorney and

administered in at least half of all states, this program supports pro bono services to provide basic estate planning for police, firefighters, and EMTs. To do so, the national program provides software for drafting basic wills, which assembles the document from basic forms that are filled in with the client’s data and decisions. With software and processes in hand, local qualified pro bono groups are tasked with reaching out to first responders and organizing the clinics.

Locally, the MBA Young Lawyers Section (YLS) Pro Bono Committee has taken the lead in implementing this program, holding several clinics per year to serve first responders in the Portland Metro Area. For each clinic, the YLS Pro Bono Committee volunteers focus on a specific group of first responders, such as a particular fire company, and brings them together with notaries, witnesses, and attorneys.

The Wills for Heroes program relies heavily on a talented pool of local estate planning attorneys. Cathy Meyer, an associate at The Law Offices Nay & Friedenber, took a break from her estate planning and long-term care planning practice to volunteer her time at the most recent Wills for Heroes clinic. There, Cathy and two other attorneys worked with EMT employees of American Medical Response, and they collectively executed 14 wills in a single afternoon.

All this effort addresses a crucial need for estate planning services. On its website, the national Wills for Heroes Foundation notes that less than half of the general population has a will, but from the foundation’s experience and collected data from first responders organizations, first responders are even less likely to have a will than the general population.

The YLS Pro Bono Committee will be holding its next Wills for Heroes clinic in October. To volunteer for the clinic, contact Tracy Hooper at [th@hs-legal.com](mailto:th@hs-legal.com).

### Email Etiquette for Young Lawyers

by Michael Willes  
Tonkon Torp



Body language often communicates more meaning than the words you actually speak. For better or worse, email has its own subtle, behind-the-scenes code. When I was a summer associate, I didn’t realize how heeding these unwritten rules could make the difference between satisfying and offending my audience. In fact, I managed to offend the partner supervising my very first assignment. In the wake of that debacle, and just as my Type-A panic was setting in, a seasoned senior associate gave me a few pointers that continue to inform my email correspondence. I have written them up here with the hope of bridging part of the divide between millennial lawyers and their more experienced counterparts.

Seniority matters to some. In the “to” line of group emails, place the client or most senior partner first, then keep going down the hierarchy. (However, lists of eight or more recipients should follow alphabetical order.)

I know. This is petty. But honoring the chain of command can be surprisingly important

to a select few - a select few who tend to hold the reins of power but not necessarily a firm grasp on how the internet works. When the purpose of including your superiors on a message is merely keeping them in the loop, follow the hierarchy rules down on the “cc” line.

Don’t bury the lede. Place conclusions and action items in the first two sentences of your message. Email has, in large part, replaced its long-form cousin, the memo, as the preferred vehicle to convey legal-research results. Memos generally start with an executive summary, which allows the reader to learn key information at a glance and decide whether additional reading is necessary. Likewise, the first few lines of your email (possibly displayed on nothing more than a preview pane) should be sufficient to determine whether your message requires immediate attention or not.

Better yet, make your subject meaningful. Leaving it blank or non-descript is a missed opportunity to manifest your nascent legal superstardom - or competence, at least. On the other hand, “Doe v. Roe: Draft Motion to Dismiss - Tuesday Filing Deadline” provides cues about the contents of the email and what needs doing. Optimally, your subject lines will allow your reader to remember the gist of the email even months after he or she received it.

Your busy readers will appreciate your efforts to economize the drain on their cognitive resources that is email traffic.

### Alex Naito Pro Bono Spotlight

by Kellen Norwood  
YLS Pro Bono Committee

Alex Naito initially dreamed of printing presses rather than courtrooms. But he recalls growing frustrated while working at a newspaper in college. “I felt that, despite my best efforts, as a reporter I could not directly initiate change in my community. Rather, I was dependent on the community to react to a story,” Alex decided to go to law school so he could have a more direct impact.

There are few things that Alex enjoys more as an attorney than delivering oral arguments. But those opportunities are hard to come by in civil litigation these days. Much of Alex’s work takes place outside the courtroom. “The part I most enjoy is the investigation - digging through records and interviewing witnesses to develop the story behind the claims.”

Pro bono work has allowed Alex to stay true to his journalistic roots while also honing his litigation chops.

Late last year, Alex accepted an appointment to represent a pro se plaintiff in a federal civil rights lawsuit against the Portland Police Bureau. The case was in rough shape when Alex stepped in, but he helped the client reach a favorable outcome.

The client, who had a history of thefts on his record, suffered from mental illness. He incurred injuries after an encounter with the police outside a pawn shop in downtown Portland.

The client filed, had dismissed, and refiled his complaint several times, alleging a number of civil rights violations. Eventually, the defendants obtained summary judgment on all but an excessive force theory. The case was scheduled for trial and the defendants felt little incentive to settle.

When Alex and his team took over the case, they immediately filed for leave to amend and won the right to plead additional *Monell* violations relating to

Practice inbox conservation. If you are likely to make multiple requests of your reader, gather them into a single message. Flooding his or her inbox with many related messages is irritating. It also increases the risk that your important email will fall through the cracks, sandwiched between CLE advertisements and automated billing reminders. I have heard of a partner who made a habit of editing briefs line by line in individual emails. That is, each requested change corresponded to a single email. He also tended to be an early riser, meaning that 100 or more unread messages could greet a bleary-eyed associate to the waking world when said partner had had a particularly productive morning. This example is extreme, but you can see my point. Nobody wants to deal with a congested inbox.

Be direct and unapologetic, and avoid unnecessary drama. One of email’s greatest virtues is its efficiency, which suffers when excuses, digressions, and flowery expressions clog up the lines of communication. Your client and boss - who, by the way, are probably pretty direct communicators - just want the facts. The facts allow them to make decisions, and then tell you what to do, presumably so that things will get done.

If a situation requires an apology, make it a conversation.

I have spent my entire legal career in larger firms, so you may find it necessary to adapt these pointers to your own situation. But taking a conscientious approach to your communications will benefit you wherever you practice. If you respect the time and ego of your bosses and clients, you might just gain their respect in exchange.



Alex Naito

the Police Bureau’s pattern and practice of using excessive force and its failure to properly train officers. Alex’s team of attorneys and paralegals withstood a motion to dismiss (which Alex argued) and prepared for trial.

While a motion in limine was pending regarding the admissibility of a US Department of Justice investigation concluding that the Portland Police had a pattern and practice of using excessive force against mentally ill and homeless people, the city made an offer of judgment many times greater than any previously discussed figure. The client accepted and settled a case that

*Continued on page 13*

## Amanda Dalton Pro Bono Spotlight

by Jill Mallery  
Legal Aid Services of Oregon

*"I often think the attorney gets much more out of volunteering than the client."*

Amanda is a lawyer-lobbyist and political advisor. She manages Amanda L. Dalton, Attorney at Law and Dalton Advocacy, Inc., a dual practice that merges her two passions, legislative advocacy and legal representation. After more than a decade of managing a successful government relations practice in Oregon, Amanda made the decision to attend law school. While Amanda attended Willamette University College of Law, she worked in the Oregon Capitol as Legislative staff. Amanda opened her own practice in 2015, providing government relations and advocacy services and court-appointed legal services.

Amanda is an outstanding attorney volunteer for Legal Aid

Services of Oregon's Domestic Violence Project. The Domestic Violence Project (DVP) matches pro bono attorneys with survivors of domestic violence for representation in a contested restraining order hearing. Over the last year, Amanda has spent countless hours on complicated and time-consuming DVP cases. In addition to the more common fast-paced, limited issue DVP case, Amanda has worked on DVP cases that have involved requests for discovery. Through it all, she has maintained a positive and committed attitude.

Amanda believes in the importance of providing access to legal services to those who cannot afford it and feels fortunate she can spend time volunteering with DVP. For Amanda, "There is nothing more rewarding than walking out of that courtroom and having a client hug you." She says



Amanda Dalton

that making a life better, even just for the short term, makes you feel that "You made a difference today."

Amanda encourages lawyers to do pro bono work and to push their boundaries in their volunteer work. Her advice to lawyers considering pro bono work is to pick a cause or purpose that you care deeply about. Through her dedicated work on DVP, Amanda has shown her commitment to advocating for low-income, vulnerable populations. On behalf of the clients Amanda has helped and lives she has changed, Legal Aid thanks her for her dedication.

## New Clinics to help Pro Se Family Law Litigants

by Mary Tollefson  
YLS Secretary



In 2010, the Office of State Court Administrator reported that in 86% of Oregon family law cases at least one party was self-represented. Judges, court staff, and attorneys have gone to great lengths to provide user-friendly forms for the most common types of family law cases, but this does not eliminate the need for advice from family law attorneys.

Previously, self-represented litigants could make appointments with courthouse facilitators to review their forms before they turned them in. However, these positions were cut several years ago while the recession was at its peak. The Lewis & Clark Legal Clinic also provided an excellent resource for low-income family litigants to turn to for help. Unfortunately, the clinic closed last year. The Volunteer Lawyers Project at Legal Aid Services of Oregon coordinates a pro se family law clinic, where volunteer attorneys help pro se litigants complete family law forms and answer family law questions. It is a limited resource, however, and cannot meet overwhelming client need.

There is hope that the courthouse facilitator positions will be restored in the future, but in the meantime, there exists a huge need for immediate assistance to self-represented litigants in family law cases. Judges have keenly felt the losses of the facilitator positions and the Lewis & Clark Legal Clinic. It is not uncommon for judges to review and reject the same

judgment multiple times and, in some cases, as many as 10 times. This takes up judges' valuable time and is frustrating for litigants who want their judgments to be signed.

Earlier this year, Multnomah County Presiding Family Law Judge Maureen McKnight approached the MBA YLS, St. Andrew Legal Clinic, and Lewis & Clark Law School to come up with a way to help self-represented litigants in family law cases. They have spent a great deal of time collaborating and are in the process of developing two different legal clinics that will be starting up soon.

The Judgment Repair Clinic will be held at St. Andrew Legal Clinic and will be staffed by law students from Lewis & Clark, along with attorneys from St. Andrew. This clinic will assist litigants in family law cases who have had their judgments returned to them for deficiencies. The volunteer law students will help the litigants identify the deficiencies in their judgments and correct them. This will provide a great opportunity for law students to gain experience and will assist litigants in ensuring that their judgments will not be rejected again.

The Judgment Preparation Clinic will be held in a jury room at the Multnomah County Courthouse and staffed by local volunteer attorneys who have experience in family law. This clinic will assist litigants in filling out their judgment paperwork before it has been submitted to the court, which will significantly decrease the likelihood that the judgment will be returned to the litigant. The YLS Pro Bono Committee will help run the Judgment Preparation Clinic.

Both clinics are still a work in progress, but are expected to start up in the near future. If any attorneys are interested in volunteering with the Judgment Preparation Clinic, please email Mary Tollefson at [mary@kramer-associates.com](mailto:mary@kramer-associates.com).

## Alex Naito

Continued from page 12

only months before appeared dead in the water.

Although the professional development opportunities in this pro bono matter were gratifying, the best part for Alex was when he got to inform the client about the settlement. "He was extremely pleased with the outcome," Alex recalls, "and grateful for the work we had done."

Alex counts this experience as one of the highlights of his career. "It reaffirmed my belief that being an attorney provides a unique opportunity to have a more direct impact on the community." Unfortunately, he said, the experience also underscored the reality that not having the resources to hire an attorney is too often a bar to justice in our society.

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**Ethics Focus**

*Continued from page 7*

lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) is subject to Rule 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and (2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is

disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

“(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.”

Absent the comparatively limited contours of RPC 6.5, however, lawyers handling pro bono matters are subject to the same conflict rules as those governing paying clients. Those include RPC 1.10(a) - the so-called “firm unit rule” - which generally

imputes one law firm lawyer’s conflicts to all lawyers at the firm.

**Summing Up**

Lawyers provide great service to their communities through pro bono work. At the same time, they need to remain sensitive to risk management considerations so that they can stay safe while doing good.



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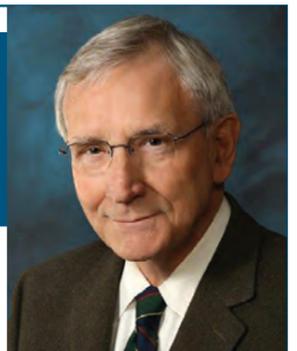
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*Special thanks to the law firms of Jaqua & Wheatley and Perkins Coie for their donations of books for the OLCR library wall.*



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## Deposition Preparation Setting Your Witness Up for Success

by Jill D. Schmid, Ph.D.  
Sound Jury Consulting



A couple of months ago I was part of a deposition preparation session that included eight attorneys, three company clients, two paralegals, and one witness. You can imagine the witness's face as 13 different voices began telling the witness "make sure you do this," and "never do that." While this situation was a bit extreme, I've seen the same thing happen when there's only one attorney. The advice becomes so overwhelming that the session becomes counterproductive.

This form of deposition prep reminds me of a popular 3M study that is often used to support the argument that attorneys should utilize more graphics in trial. The study found that audience members retained as little as 10% of the information three days later if the presentation was oral only; however, when presented the same information through both oral and visual presentation, the retention rate jumped to 65%.

While this study is most often used to support the argument that presentations need a visual component, its implications can be applied to a wide variety of communication situations, including witness preparation. Many attorneys spend time in these sessions providing the witness with extensive tips on how to deal with different issues in the case, strategies that might be used by opposing counsel, and a variety of other random thoughts. This may appear reasonable, since the attorney is trying to get the witness up-to-date and prepare him or her for all of the nuances that may be addressed in the deposition. However, the problem with this strategy is that there is a significant chance of failure, since the witness will likely remember as little as 10% of what the attorney tells him or her.

Instead of marching uphill with this approach, there are some alternative methods that have been studied and proven to be effective. Some basic elements of these methods that can set your witness up for success include:

**First**, role play. Studies show that when we are young toddlers and the world is new to us, we are predominantly kinesthetic learners. In other words, we learn by experiencing things rather than hearing about them or watching them. The same

can be said for deposition prep, where the world of lawsuits and depositions is totally new to the witness. In these situations, nothing works better than conducting a mock preparation session (best if done with video feedback). You cannot just "talk at" your witness, or "talk through" possible questions and answers. Instead, the witness should rehearse as if he or she is actually in the deposition.

This kinesthetic approach works best because it helps the witness internalize the lessons from the session. The key is that everyone must stay in their roles – you should think, act, speak like opposing counsel (or find someone who can), and your witness must not go "off the record" to ask you "What do I say here?" He or she won't get to call "timeout" in the actual deposition, so don't let them do it in the practice session. Instead, hear what your witness has to say first, and then provide feedback. We find that there is a tendency to tell the witness what to say before he/she has even given the answer. Give your witness a chance to react in the moment and see what is said before you address what you "think" might be an issue. Perhaps they'll get it right and that's one less point of feedback that could overwhelm them. Alternatively, if they get it wrong, it is better for them to experience that failure (and where it takes them) first-hand.

**Second**: Ask the hard questions. It doesn't set your witness up for success if the first time they hear tough questions is in the actual deposition. So, ask the really hard questions – the uncomfortable questions – and have them work through their responses (again, on their own). Then provide feedback and try the same set of questions again. They cannot memorize your responses to the tough questions; they must learn how to formulate the response in their own words so they can truly own it and then deliver it. Sometimes, attorneys worry about how this will affect their relationship with the witness. Usually, it's not a problem as long as the attorney explains the role-playing method ahead of time to the witness.

**Third**: Keep the "rules" simple. Overwhelming your witness with a long list of "do's" and "don'ts" will only confuse them and lead to more stress. Initially, stick to the basics and then add other lessons if and when it becomes an obvious problem. This is another reason why you should role play. You cannot know the possible pitfalls until you see your witness "in action." Why waste time telling your witness what to do/not do, until you see if it's actually an issue?

We have found that the following three simple, broad rules are a great starting point

for most preparation sessions. These simple rules, in our experience, account for many of the problems that a witness will run into.

**One**: The most important job of the witness is to listen carefully to the question and answer only that question. Many witnesses hear a question and start wondering what the attorney is trying to accomplish by asking the question. This often leads to nonresponsive and defensive answers because the witness is actually answering questions he or she thinks will follow the question that has actually been asked.

**Two**: Every answer comes from one of three categories: 1) What the witness knows and remembers, 2) What the documents show, and 3) What the witness's common practice is/was. Anything beyond this is speculation and guesswork and should be avoided. Witnesses need to know that "I don't know" is a perfectly acceptable answer if it is the honest answer. It is okay to be helpful and make educated guesses in social conversation, but not in a deposition.

**Three**: Be on guard for opportunities to disagree with assumptions and unfair characterizations in the questions. For example, if the attorney asks, "Did you buy that ugly shirt at Macy's?" the witness needs to understand that he or she is not restricted to a "yes" or "no" answer. In fact, "yes" or "no" answers should be used sparingly since they provide no wiggle room. By their nature a "yes" or "no" either accepts or rejects every aspect of the question. Instead, it is important that the witness makes it clear what they are agreeing and disagreeing with: "I disagree that it is an ugly shirt; but yes, I purchased it at Macy's." Furthermore, the witness needs to correct the characterization every time it occurs. It is insufficient to correct it only once and let it go the next time.

While there is a long list of other issues that may arise in a deposition, we have found that many of the problems witnesses face in depositions come back to a violation of one of these three rules. Instead of addressing every conceivable problem in the preamble to the preparation session, focus your initial feedback and address additional problems only as they arise.

Jill D. Schmid, Ph.D., and Thomas O'Toole are partners and Senior Litigation Consultants at Sound Jury Consulting, a full service Trial Consulting Firm. Jill can be reached at 503.702.7716 or [jschmid@soundjuryconsulting.com](mailto:jschmid@soundjuryconsulting.com). In addition, Jill will be teaching Witness Preparation: A "How to" Guide for More Effective Deposition Sessions class on November 19. For more information, see page 4.

### The MBA Solo/Small Firm Committee invites you to attend their Free Fall Workshop Series

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Tuesday, November 3, 12-1:30pm  
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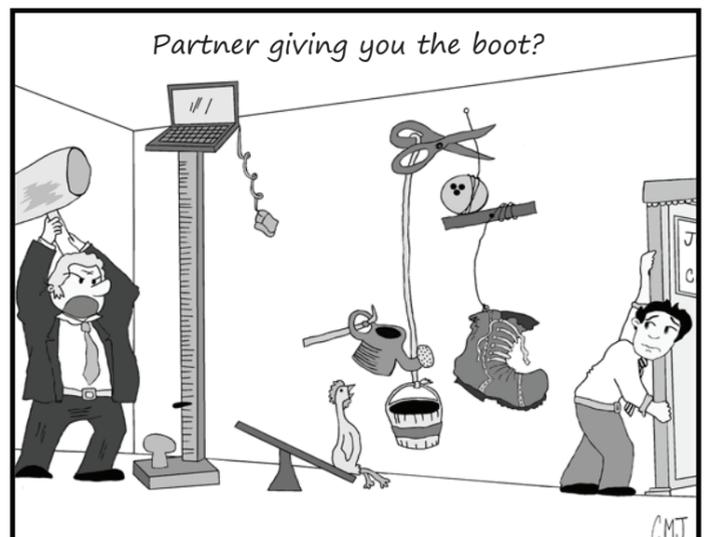
#### Managing Clients: How to Minimize Malpractice and Ethics Problems

Tuesday, November 17, 12-1:30pm  
World Trade Center, Mezzanine Room, 26 SW Salmon St.

One of the most significant challenges that all lawyers face is how to effectively manage their client relationships. Poor client relationship management leads to malpractice claims and/or ethics complaints. Obviously, these are consequences that all lawyers want to avoid. The purpose of this workshop is to discuss various strategies for minimizing the breakdown of an attorney-client relationship. Both speakers have considerable experience in this area. **Helen Hierschbiel** is general counsel for the Oregon State Bar and managed the OSB's ethics hotline. **Mike Greene**, Rosenthal Greene & Devlin, has had a lengthy career involving legal malpractice claims and ethics issues. This workshop is intended to provide attendees with useful and practical information about how to create and maintain sound attorney-client relationships. The information will be helpful to all lawyers regardless of their level of experience.

Registration is **free** and open to MBA members only. The MBA will apply for CLE credit as applicable. The sessions are set up to allow time for networking and questions and answers. Lunch is provided. Please let us know if you have any special needs (vegetarian, vegan, etc.).

Email Shannon West at [shannon@mbabar.org](mailto:shannon@mbabar.org) to register.



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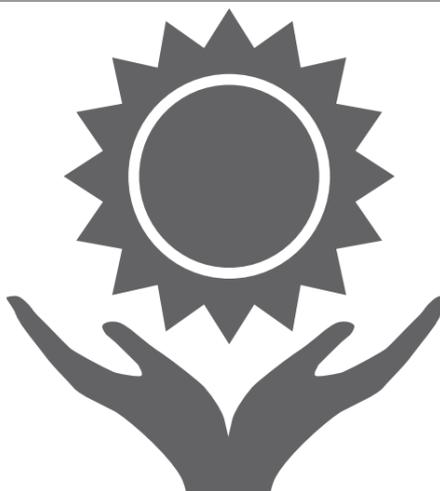
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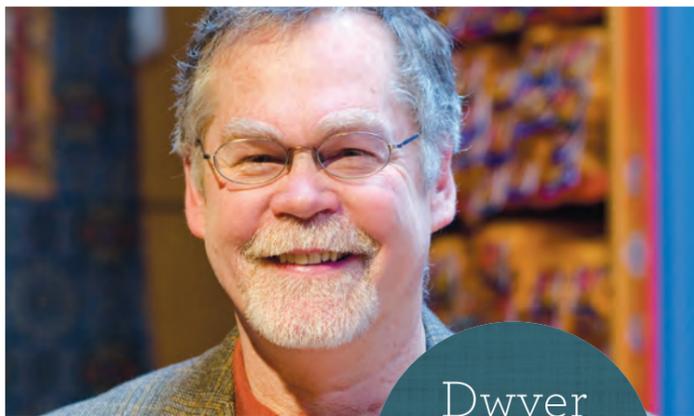
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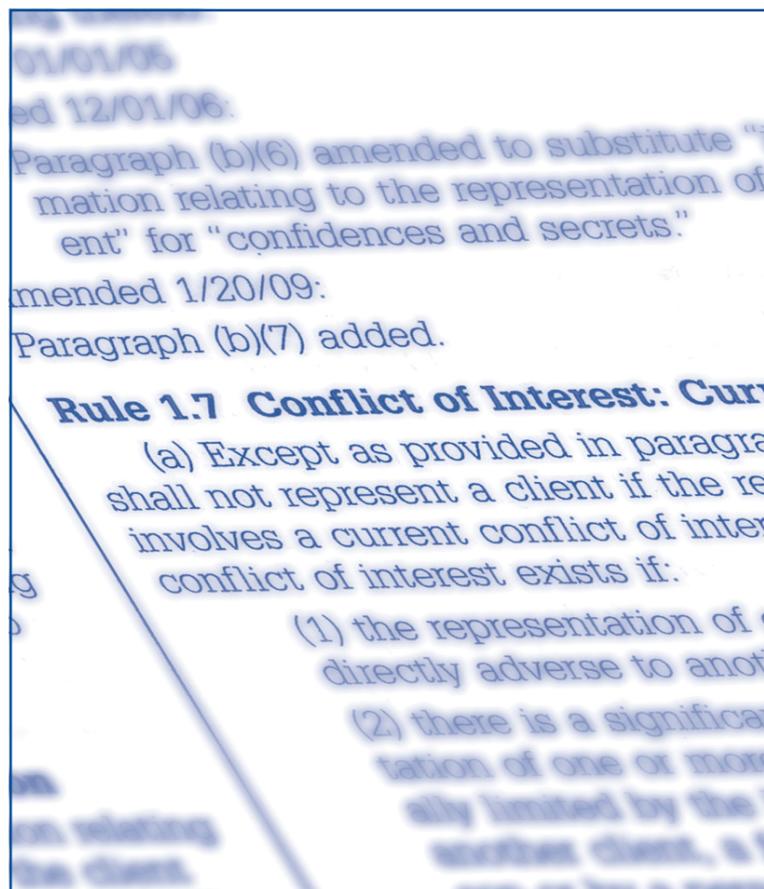
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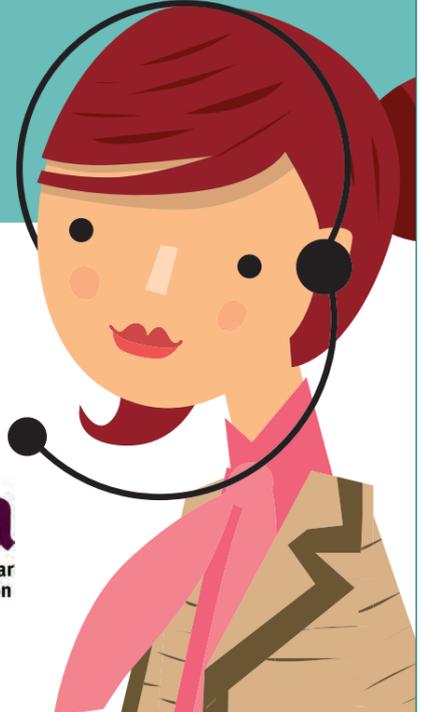
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# City Club Civic Scholars Focus on the Youth

by Melvin Oden-Orr  
Oden-Orr Law  
MBF Board



“Train up a child in the way that he [or she] should go, and when he [or she] is old, [they] will not depart from it.” This quote from the King James Bible epitomizes the goals of the City Club of Portland’s Civic Scholars program. The program, which was begun in 2013 by the Club’s Civics Education Advocacy Committee, was a 2013 and 2014 Multnomah Bar Foundation grant recipient under its former name, Civic Awards.

The Civic Awards program was developed to recognize excellence in preparing youth to be informed, effective citizens, and has a strong focus on youth civic engagement. That focus on civic engagement matches up well with the Multnomah Bar Foundation’s mission to increase the public’s understanding of the legal system, to promote civic education, public participation, respect for the law, and to financially support programs like Civic Scholars.



The City Club of Portland, Portland’s premier civic engagement organization, is known for its research projects. Since 1920, City Club members have prepared over 1,000 reports on a wide variety of topics including land-use planning, health care, education, environment, government, transportation, taxation and many others. A 2012 City Club research project confirmed what the MBF believes intrinsically: that democracy requires citizenry and citizenry requires education and practice. The research committee was charged with examining how civics is taught in Portland Public School District high schools and to report on the degree to which the schools prepare youth for a life of active citizenship. Among its conclusions, the committee determined that social studies

were not a priority in Portland high schools due in part to budget cuts and other educational priorities. They resolved that, among other things, “the most successful citizenship experiences are relevant to the student’s life, actively engage the student, and offer the possibility of making a difference in the world.” As a result, one of the committee’s recommendations was that the City Club devote at least one program each year to youth citizenship and establish awards for outstanding youth citizenship and school-community civic partnerships. Thus Civic Scholars was born.

Today, Civic Scholars recognizes community-based organizations that place youth civic engagement at the heart of their work. At the Annual City Club Civic Awards Ceremony in May, the club recognized the three honorees: Oregon Foster Youth Connection, Hope for Homelessness, and its first place Civic Laureate, Sekai Edwards.

- **Oregon Foster Youth Connection (OFYC)**, a program of Children First for Oregon, is a statewide, youth-led advocacy group of current and former foster youth. Their mission is to improve the foster care system through advocacy, activism, and leadership. While Children First for Oregon’s mission is to make long-term systemic change by advocating for the adoption of policies and programs that keep children healthy and safe, and strengthen families, they support OFYC to ensure that all children and youth in the foster care system, from the youngest to those aging out, are well-cared-for and empowered to succeed. OFYC trains and empowers youth to participate in developing policies, programs and practices intended to improve the lives of thousands of kids in foster care. According to Program Director Lisa McMahon, OFYC members’



Oregon Foster Youth Connection

civic participation takes many forms. “Our youth have an active presence in policy conversations and rulemaking with federal, state, and local officials. That means youth who have experienced foster care are sitting at the same table as foster parents, policymakers, government officials, judges and elected leaders to make important changes to the foster care system in Oregon.”

- **Hope for Homelessness** is a student-run club at Lincoln High School supporting Portland Homeless Family Solutions and other nonprofits. Their mission is to raise awareness, especially in the more privileged parts of our community, about homelessness and to advocate for a change. According to a recent KATU.com report, the group has served countless meals, held blanket and clothing drives, organized holiday collections, and put together care packages. The group’s focus: helping those without a roof over their head.
- **Sekai Edwards** was the 2014-15 president of Jefferson High School’s Black Student Union. City Club noted that Ms. Edwards has worked all over the city of Portland to unite youth and adults of all ethnicities, classes and ages to talk about issues that continue to oppress Portland’s black community. Her goal has been to involve black youth in the discussion of gentrification,

Continued on page 20

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### City Club Civic

*Continued from page 19*

racial profiling, public education, police brutality, and LGBTQIA issues in the black community.

Civic Scholars has become about more than the awards and recognition. Civic Scholars brings 10-20 students from five Portland area high schools to City Club Friday Forums. Those students arguably have greater participation at the forums than members. At

each Friday Forum, the students ask questions at the microphone, sit with City Club members involved in education, business, and law, and are also offered private meetings with the speakers to ask questions.

The City Club is truly growing future civic leaders and City Club members. Students accepted into the Civic Scholars program become full-fledged and voting City Club members at no cost to them. In 2013, as a City Club member, I had the privilege of serving on a research committee with a student from Lincoln High School. I was thoroughly impressed with his maturity, intelligence, and interest in the subject matter. I

have every expectation that as an adult he will continue to pursue civic engagement, be it with City Club or some other organization.

Along with the MBF, the Civic Scholars program is made possible by the generous support of the Collins Foundation and Comcast Internet Essentials, and works in partnership with The Classroom Law Project, the SUN Community Schools and AmeriCorp VISTA.



*Civic Laureate Sekai Edwards*



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