



Say "Yes" to Pro Bono Rewards

by Tom Sand
MBA President

"Wait," you might be saying. "Who is this guy that's writing the President's Column? I thought Eric Dahlin was our President." Correct you are - or were. Eric was MBA President until September 6, when he resigned to accept an appointment by Governor

Kate Brown to the Multnomah County Circuit Court bench. The court's gain is the MBA's loss. Our court just got stronger while the MBA has lost a leader with passion, energy, and integrity, one whose many contributions will be felt for years to come. Under the bylaws, the MBA Board has elected me to fulfill the balance of Eric's unexpired term. I said "yes." Why? Because answering "yes" to service has always provided rewards that far outweigh any sacrifice of the service itself.

Nowhere in my practice has this phenomenon been evidenced more clearly than pro bono service. Because Eric's departure (and my "ascension") occurs during the MBA's annual pro bono issue, I've decided to devote my first column to the rewards of pro bono service based on one recent and very special case.

It was May 2010. The phone rang, and caller ID indicated that the call originated from one of our courts. On the other end of the line a well-known and highly regarded judge asked whether I would consider taking on a pro bono case in Washington State for an individual who appeared to have been unjustly convicted and sentenced. Without giving it much thought (who says "no" to a judge after all?), I said "yes."

Little did I know that this case would be part of my life for more than six years. It involved a then 20 year-old mentally ill Native American young man who suffers multiple effects of Fetal Alcohol Spectrum Disorder (FASD). One night in 2009, annoyed with his friends over a disputed dinner invitation, he drank alcohol, smoked marijuana, bought a shotgun, and fired it into the friends' apartment. One of the three occupants suffered minor injuries. The other two were unhurt.

Our client was charged with three counts of attempted murder. After twice being found incompetent, he was not only found competent to stand trial but also allowed to waive his right to counsel. Representing himself at trial, our client called himself as his only witness. He argued that he could not be found guilty of shooting into his friends' apartment because he had been busy on the other side of his small town robbing a gang of their black diamonds. He was convicted on all counts. The trial judge - saying, "I hope this is a life sentence" - imposed a sentence of 75 years in prison for a firsttime, non-homicide offense. Since his conviction in 2010, our client has been locked up in solitary confinement 23 hours a day.

On direct appeal, we asserted nearly a dozen assignments of error. The centerpiece was our argument that Washington should adopt a new constitutional rule in criminal proceedings that requires a higher standard of competence for self-representation than that necessary

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to stand trial. When the direct appeals were exhausted and denied, we resorted to a collateral attack based on Washington's corollary to the writ of habeas corpus, the personal restraint petition. This time, after we lost again in the court of appeals, the Washington Supreme Court, sitting en banc, granted the petition and sent the case back for a reference hearing on whether mental illness, including FASD, rendered our client incompetent and legally unable to effectively waive his right to counsel. After a trial involving both lay and expert testimony, the court found that our client had not been competent when he was tried, convicted, and sentenced.

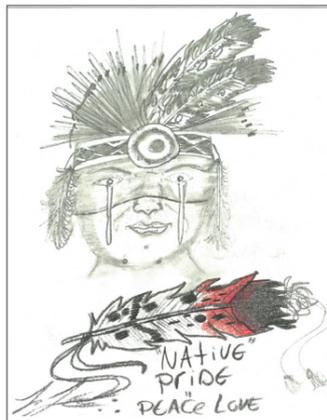
On August 16, based on the trial court's new findings, the appellate court reversed the 2010 conviction. Our client won. Finally.

So what about the rewards? In addition to the thrill of victory itself, here are just a few:

- Reward #1** Working with an extraordinary team of professionals in my firm who were completely dedicated to our client's cause and who never wavered in their commitment to do the right thing
- Reward #2** Hugs and tears of joy from our client, his foster family and friends in the courtroom
- Reward #3** Gift of a self-portrait drawn by our client with colored pencils provided to him by our paralegal - about the only amenities he was allowed to possess in solitary confinement. [see photo below]
- Reward #4** Note from one of the lay witnesses: "You may well have saved a life."
- Reward #5** Note from a judge in another court: "If you feel a very strong hand on your shoulder today, don't worry. It's just my father, who loved the law, letting you know how proud you have made him of our profession."

Not every case will take six years or involve multiple trips through the appellate courts. But the rewards are the same when you help someone escape domestic violence, help a family avoid eviction from their apartment, help someone avoid incarceration for a minor offense and remain employed, or help someone with mental illness or addiction get the treatment they need. The list is long and the choices are many. People need us. We can help them in ways that others cannot.

So say "yes" to pro bono - you'll be proud to be a lawyer, you'll find renewed inspiration if yours has waned a bit, and you'll find riches far greater than you dreamed. Say "yes."



mba|EVENT

Multnomah Bar Association Absolutely Social

The Grape Escape
featuring Wine Tasting

Thursday, October 20
The University Club
5-7 p.m.

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

See insert for details and to RSVP.

Thank you, sponsors!

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mba|CLE

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

OCTOBER

10.11 Tuesday Insurance Coverage for Small Businesses

Seth H. Row
Brad Wilson

10.13 Thursday Personal Injury: Maximizing Case Value through Creativity, Strategy and Tenacity

Marc Johnston

10.26 Wednesday Taming the Medicare Gorilla in Your Injury Cases

Tim Nay

10.27 Thursday Recovering Emotional Distress Damages

Cody Hoesly
Jane Paulson

NOVEMBER

11.1 Tuesday Brewery Law: The Top 10 Things You Didn't Know You Don't Know

Jesse D. Lyon
Marcus Reed

11.2 Wednesday Child Abuse Reporting

Mark Johnson Roberts
Rahela Rehman

DECEMBER

12.1 Thursday The Robe as Sword and Shield How Should the Bench Model and Enforce Professionalism

Judge John Acosta
Ed Harnden
Judy Snyder

12.7 Wednesday Representing Incapacitated Clients

Michael Fearl
Tim McNeil
Julie Meyer Rowett

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DEADLINE for copy: The 10th of the month*

DEADLINE for ads: The 12th of the month*

*or the preceding Friday, if on a weekend.

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mba | EVENT

Bench Bar & Bagels

Thursday, November 10

Tonkon Torp

888 SW 5th Ave., Ste. 1600, Portland

7:30-8:30 a.m.

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

Special thanks to our sponsor and host:



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

Tools to Help Your Firm Incorporate Pro Bono into its Practice

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

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

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

2017 MBA Diversity Award Nominations Due October 31

by Valerie Colas
Equality & Diversity Committee

The MBA has established a new award that will honor individual attorneys, legal employers, or other legal organizations that have made a longstanding commitment to furthering diversity and inclusion in the MBA and Multnomah County legal community: the Diversity Award.

The Diversity Award seeks to recognize either an attorney, legal employer, or other legal organization that has demonstrated a strong commitment to promoting diversity and equality in the MBA and Multnomah County legal community. We hope it will help to spotlight the various efforts of individuals, legal employers, or legal organizations in fostering a culture of diversity and inclusion, as well as encourage others in their own efforts.

The concept of "diversity" is made up of many dimensions that make it difficult to define. To the MBA, diversity is an inclusive concept that "encompasses, without limitation, race, color, ethnicity, gender, sexual orientation, gender identity and expression, religion, nationality, age, disability and marital and parental status." The MBA also recognizes that "achieving diversity is an evolutionary process that requires a continued renewal of our commitment to strategies of inclusion." (*MBA Statement of Diversity Principles*.)

Do you know of an individual attorney, legal employer, or other legal organization that has shown a long-term commitment to

fostering diversity and inclusion in the MBA and Multnomah County legal community? If so, please complete a nomination form for the MBA Diversity Award available at www.mbabar.org or contact Kathy Modie, Equality & Diversity Committee staff liaison, kathy@mbabar.org, for more information. The nomination should include the efforts made,

the impact of those efforts, and how the individual, legal employer, or legal organization exemplifies the principles set forth in the Statement of Diversity. Nomination forms are due October 31 to the MBA. The MBA will announce the recipient of the Diversity Award at the MBA Annual Meeting on May 16, 2017.

Calendar

OCTOBER

4 Tuesday

Downtown Courthouse Groundbreaking Ceremony

10 Monday

November *Multnomah Lawyer* deadline

13 Thursday

OWLS Dress for Success Fashion Show
www.oregonwomenlawyers.org

15 Saturday

Youth, Rights & Justice Wine & Chocolate Gala
www.youthrightsjustice.org

18 Tuesday

Solo & Small Firm Workshop How to get your Website Found
Details on p. 15

20 Thursday

Absolutely Social
Details on p. 1

27 Thursday

OSB Pro Bono Fair
Details on p. 10 and 20

28 Friday

YLS Drop-In Social
Details on p. 12

29 Saturday

BOWLIO
www.osbar.org/diversity

31 Monday

MBA Award Nominations Deadline

NOVEMBER

2 Wednesday

MBF CEF – Karaoke Night
See insert

3 Thursday

MBA New Admittee Social
www.mbabar.org

10 Thursday

Bench, Bar & Bagels
Details on p. 2

10 Thursday

December *Multnomah Lawyer* deadline

15 Tuesday

Solo & Small Firm Workshop Practice Management Software
Details on p.15

24-25 Thursday-Friday

Thanksgiving Holiday

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ENROLL ANYTIME



The MBA will apply for 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.

Unless otherwise noted, all classes are held at the World Trade Center, 26 SW Salmon, Portland.

Insurance Coverage for Small Businesses

Tuesday, October 11, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Business attorneys, as well as litigators, need to understand the basics of insurance coverage. Insurance is a critical component of company risk management - which is part of the role of a company's attorney. This presentation will cover basic principles and concepts in insurance coverage programs for small businesses, so that you can "speak the language" whether you are talking with the owner or the company's broker. We also will discuss common insurance coverage problems and what you can do to prevent them. Presenter **Seth Row** of Miller Nash Graham & Dunn LLP has represented policyholders in coverage disputes of all types for more than 10 years, and provides counseling on insurance procurement to large and small businesses in many industries. Presenter **Brad Wilson** of Insurance Partners has helped businesses and individuals place coverage and manage their insurance programs for more than 20 years. Brad's experience includes underwriting, sales, agency management, and expert witness work for clients of all sizes and industries.

For more information: Call Ed Carlson, Carlson Law at 971.254.8907. For registration questions, call the MBA at 503.222.3275.

Personal Injury: Maximizing Case Value through Creativity, Strategy and Tenacity

Thursday, October 13, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

This seminar is intended for the plaintiff's personal injury practitioner and the general practitioner who handles personal injury cases. The seminar mixes theory and strategy, focusing on the most crucial aspects of the case. Time is devoted to the techniques, strategies and methods which make the biggest difference to the plaintiff's case and the end result. **Marc Johnston**, Johnston Law Firm LLC, will share his creative and successful approaches to handling personal injury cases, while addressing technical aspects of the plaintiff's case which you can use immediately with your current cases. This seminar blends cutting edge approaches and the techniques of the presenter. Topics addressed will include:

- The initial client meeting and retention
- Evaluating cases
- Pre-suit demands
- Preparing your client for deposition
- Taking depositions
- Working with experts and doctors
- Mediation preparation
- Managing costs
- Thinking outside the box
- Trial theory

If you handle personal injury or motor vehicle cases, regardless of your level of experience, do not miss this seminar.

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

Taming The Medicare Gorilla In Your Injury Cases

Wednesday, October 26, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Medicare Secondary Payer (MSP) compliance has been an irritable 800-pound gorilla. But you can take steps to gain better control of MSP compliance. MSP compliance remains a complicated, time-consuming, labor-intensive fact of worker's compensation and liability cases. Misunderstanding of reporting requirements and the process on the part of plaintiff and defense counsel as well as insurance carriers slows the process, leaving injured parties without needed funds to get on with their lives.

MSP compliance is about "considering/protecting" Medicare's interests by: (1) recovery of conditional (pre-settlement) Medicare payments; (2) Medicare set-aside (MSA) arrangements reducing post-settlement Medicare payments; and (3) insurer reporting pursuant to Section 111 of the Medicare, Medicaid, SCHIP Extension Act, December 29, 2007, (MMSEA). Plaintiff's counsel will rarely see Section 111 reporting issues. But Section 111 penalties have driven the frenzy surrounding (1) and (2).

The goal of this CLE program is to increase your understanding of the process, enable you to effectively use available MSP compliance tools for better control of MSP compliance, reduce everyone's exposure, and expedite completion of injury cases.

Our speaker is **Tim Nay** of the Law Offices of Nay & Friedenber. Tim was one of four founding members of the National Alliance of Medicare Set Aside Professionals (NAMSAP), and served as NAMSAP's first Secretary. He is also the founding president of the National Academy of Elder Law Attorneys (NAELA), a Fellow of the Academy and winner of the 2007 NAELA President's Award.

For more information: Call Kyle Dukelow, Law Office of Kyle B. Dukelow at 503.288.1992. For registration questions, call the MBA at 503.222.3275.

Recovering Emotional Distress Damages

Thursday, October 27, 2016 - 3:00-5:00 p.m.

World Trade Center, Plaza

Members \$60/Non-Members \$95

The panel will discuss the availability of emotional distress damages under Oregon law and provide practice tips for successfully pleading and trying claims for emotional distress damages. Join experienced trial lawyers **Cody Hoesly** of Larkins Vacura Kayser and **Jane Paulson** of Paulson Coletti for a two-hour presentation of the law and related practical experiences.

For more information: Contact Bridget Donegan of Larkins Vacura Kayser at 503.222.4424. For registration details, call the MBA at 503.222.3275.

Brewery Law: The Top 10 Things You Didn't Know You Don't Know

Tuesday, November 1, 2016 - 3:00-5:00 p.m.

Widmer Brothers Brewery, 947 N. Russell St.

Members \$60/Non-Members \$95

Oregon is home to more than 200 breweries which produce more than 1.7 million barrels of craft beer every year. Most of those breweries are run by small businesses that need attorneys to help them navigate through the complex regulatory system governing alcohol production, distribution, and sales. This seminar is designed to assist practitioners who advise or represent these businesses, and provide them with the tools they need to avoid common problems and pitfalls. Presenters: **Marcus Reed**, General Counsel for Craft Brew Alliance and **Jesse D. Lyon**, Davis Wright Tremaine LLP. Topics covered will include:

- TTB permits, OLCC licensing, and multi-state brand registration
- 50 state framework
- Funding and tied-house constraints
- Advertising, promotion, and trade practice rules
- Self-distribution, 3-tier distribution and franchise laws
- Brewery facilities, contract production and alternating proprietors
- Pub and retail operations
- Labels and trademarks

For more information: Call Alex Williamson, Prange Law Group, LLC at 503.595.8199. For registration questions, please call the MBA at 503.222.3275.

Child Abuse Reporting

Wednesday, November 2, 2016 - 12:00-1:00 p.m.

World Trade Center, Auditorium

Members \$30/Non-Members \$50

Note: One hour of child abuse reporting credit will be applied for.

The MBA presents its annual seminar on attorney child abuse reporting requirements. This program is intended to help lawyers meet their legal responsibilities as mandatory reporters, while maintaining their ethical obligations to clients. **Mark Johnson Roberts**, Deputy General Counsel to the Oregon State Bar and a former Multnomah County practitioner, and **Rahela Rehman**, Oregon Department of Justice will present a lively and practical discussion:

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

For more information: Call the MBA at 503.222.3275.

The Robe as Sword and Shield

How Should the Bench Model and Enforce Professionalism?

Thursday, December 1, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Note: Two hours of ethics credit will be applied for.

A panel of judges committed to advancing professionalism among the bar will discuss the role the bench plays in enforcing professionalism both inside and outside the courtroom. A panel of judges, including US District Court **Judge John Acosta**, will discuss their role and the bench's responsibility to enforce civility and professionalism in a panel discussion with **Judy Snyder** and **Ed Harnden**.

This is an interactive CLE intended to give the bar an opportunity to hear from and communicate with the bench about issues of professionalism that commonly arise and how the court can be of assistance. The panel will discuss specific scenarios and will address questions from the audience. New lawyers and experienced litigators are encouraged to attend and contribute.

For more information: Contact Multnomah Circuit Court Judge Kelly Skye at 503.988.3204. For registration details, call the MBA at 503.222.3275.

To register for these classes, see page 4.

Representing Incapacitated Clients

Wednesday, December 7, 2016 - 3:00-5:00 p.m.

World Trade Center, Plaza

Members \$60/Non-Members \$95

What ethical rules guide legal representation of a client suffering from dementia or another incapacitating condition? **Julie Meyer Rowett**, Yazzolino Rowett & Edgel LLP; **Tim McNeil**, Davis Pagnano McNeil & Vigna, LLP; and **Michael Fearl**, Schulte, Anderson, Downes, Aronson & Bittner, P.C., will discuss the ethics and mechanics of representing an incapacitated client in the context of elder law and family law.

For more information: Contact Mindy Stannard, McKinley Irvin at 503.487.1645. For registration questions, call the MBA at 503.222.3275.

Effective Use of Time and Technology: Eliminate, Automate, Delegate, Do

Tuesday, December 13, 2016 - 3:00-5:00 p.m.

World Trade Center, Plaza

Members \$60/Non-Members \$95

Successful lawyers use technology and manage their time effectively to reach their goals. While efficiency is important, effectiveness is the key! See how technology can increase your productivity, and how to choose the right system for your law firm. Learn essential ways to manage time to help you get more done and be more effective. Benefit from valuable tips and strategies to become a high performer, such as creating a plan, developing habits, eliminating unimportant tasks, learning to say "no," and using computers and smartphones effectively to increase productivity and deal with information overload. Work smart, not hard. Included with this CLE are over 20 Microsoft Word and Excel documents.

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

For more information: Contact the MBA at 503.222.3275.

2017 MBA Professionalism Award Nominations Due October 31

The MBA Professionalism Award is one of the most highly-regarded honors an attorney in our area can receive. Do you know a lawyer who is a pleasure to work with as both an ally and an adversary, who regularly goes well beyond minimum ethical and professionalism standards, who constantly mentors others and works to improve the quality of our practice as a whole? We strongly encourage you to nominate him or her for the 2017 MBA Professionalism Award. Any MBA practicing attorney member, except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award.

Esteemed award recipients include Raymond Conboy, Thomas H. Tongue, Randall B. Kester, Frank Noonan Jr., Donald W. McEwen, Don H. Marmaduke, Noreen K. Saltveit McGraw, Thomas E. Cooney, John D. Ryan, George H. Fraser, Barrie Herbold, Walter H. Sweek, Daniel E. O'Leary, Mark R. Wada, Sandra A. Hansberger, Robert C. Weaver, Walter H. Grebe, Susan M. Hammer, Carl R. Neil, Jeffrey M. Batchelor, Judy D. Snyder, Garry L. Kahn, Michael D. Schrunk, Edwin A. Harnden, Thomas W. Brown, Mark Johnson Roberts, Robin J. Selig and Bonnie Richardson.

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 or contact Kathy Modie, Professionalism Committee staff liaison, kathy@mbabar.org, for more information.

Photocopy, complete and mail or fax the registration form with payment to the MBA to reserve your space. Self-study materials from past CLE classes may be downloaded at www.mbabar.org.

CLE Registration Form

NAME _____	ACCOUNT NUMBER _____
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Member Status:

- MBA Member
- Non-Member

Payment Options:

- Check VISA MasterCard
- American Express

Registration forms with payment must be received in the MBA office by 3 p.m. the day before the seminar. Registration forms may be mailed or faxed to the address or number below. Accommodations available for persons with disabilities; please call in advance for arrangements.

Photocopy registration and mail or fax with payment to:

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

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

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

Seminar Selection:

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

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- 10/26 Taming The Medicare Gorilla In Your Injury Cases**
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- 10/27 Recovering Emotional Distress Damages**
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- 11/1 Brewery Law: The Top 10 Things You Didn't Know**
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- 11/2 Child Abuse Reporting**
 Class Registration (\$30 Members/\$50 Non)\$ _____
 CD-ROM & Written Materials (\$30 Members/\$50 Non) ..\$ _____
- 12/1 The Robe as Sword and Shield**
 Class Registration (\$60 Members/\$95 Non)\$ _____
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- 12/7 Representing Incapacitated Clients**
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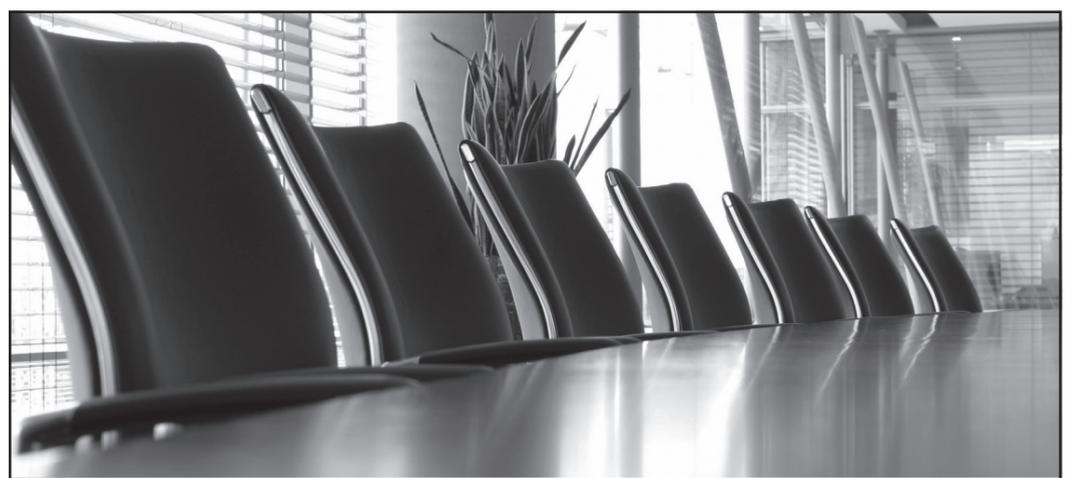
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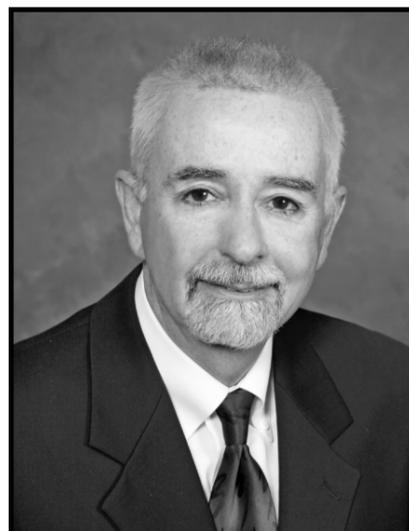
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mba | ANNOUNCEMENTS

Free CLE Webcast to MBA Members

The video webcast of the seminar entitled All's Well That Ends Well: Settlement Agreements and Releases is available in the Members Center at www.mbabar.org. The webcast is approved for two hours of general OSB MCLE credit.

MBA members receive access to a rotating selection of six different CLE seminars each year - a \$360 value.

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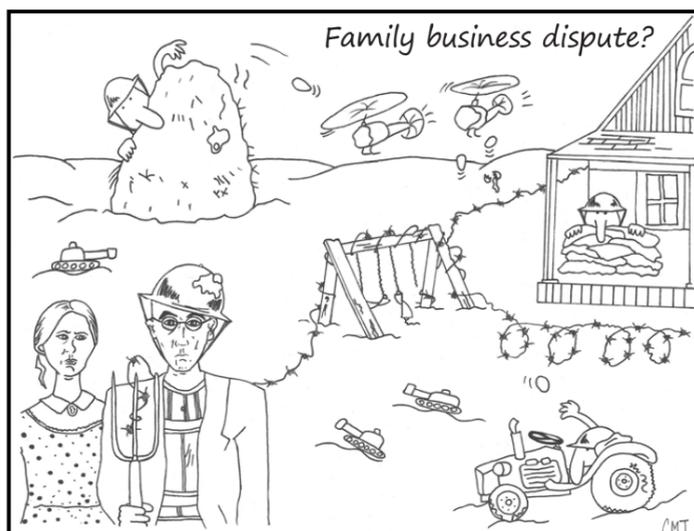
Sign the MBA Pro Bono pledge at www.mbabar.org/about-us/pro-bono.html and commit to taking at least one pro bono case this year.

Pioneer Courthouse Historical Society to Host a Panel on Blackstone's Commentaries

On Tuesday, October 25 at 4 p.m., the Pioneer Courthouse Historical Society will host a panel on Blackstone's *Commentaries* with Ninth Circuit Judge Morgan Christen, Oregon Supreme Court Justice Jack Landau, and Lewis & Clark Law School Dean Emeritus Jim Huffman. This event is free and open to the public and MBA members are encouraged to attend. For more information and to RSVP, visit <http://pioneercourthouse.org>.

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.



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Ethics Focus

First Do No Harm Pro Bono and the Duty of Competence

by Mark Fucile
Fucile & Reising



In medicine, the dictum “First, do no harm” is well known. Put simply, it is the notion that medical intervention should not be attempted when the probable result will only make the patient worse. Although outcomes in law are sometimes not as dramatically personal as in medicine, they often have profound impacts on our clients.

ABA Model Rule of Professional Conduct 6.1 encourages lawyers to devote substantial time to providing pro bono legal services. Although Oregon did not adopt this provision as a part of our RPCs, we are frequently and appropriately

Competence is one of our bedrock duties....

called on to provide pro bono services by courts, bar associations, our firms and our own consciences. At the same time, a variety of trends have combined to drive many lawyers into narrowly-tailored practices that do not necessarily mesh well with traditional pro bono activities. Moreover, with the increasing complexity of almost all areas of the law, even a “simple” will or the equivalent in any number of other areas isn’t necessarily as “simple” as in years past. This sometimes leads lawyers to ask: how can I help without doing harm?

In this column, we’ll look first at our duty of competence and then turn to some ways that lawyers can meet that duty while providing pro bono services.

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. 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, captures 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.”

The duty of competence is not simply a matter of regulatory ethics. The fact that a matter is being handled pro bono does not excuse the duty of care under substantive law just as it does not excuse the corresponding regulatory duty of competence under RPC 1.1. Uniform Civil Jury Instruction 45.04 summarizes the duty of care succinctly: “An attorney has the duty to use that degree of care, skill, and diligence ordinarily used by attorneys practicing in the same or similar circumstances in the same or similar community.”

Since 1985, the ABA has published periodic “profiles” of legal malpractice claims compiled in cooperation with insurance carriers nationally. In each report, “substantive errors” have generally comprised around 45% of the total source of claims. There is, accordingly, a very real premium on knowing the nuances of any area we are handling for a client - whether paying or pro bono.

Meeting the Duty

One way of providing pro bono services consistent with the duty of competence and the standard of care is to focus on an area that is within your “wheelhouse.” A large firm commercial litigator, for example, might volunteer to

work on “impact” litigation for a legal services organization that would benefit from precisely the same skills that the lawyer uses everyday on behalf of corporate clients. Similarly, a business lawyer might volunteer at a clinic advising “micro” businesses that could not otherwise afford legal counsel. And, a tax lawyer might help with tax returns for people of modest means at a community organization. The examples are many, but the point is simple:

The fact that a matter is being handled pro bono does not excuse the duty of care under substantive law....

use the knowledge and skills you already have to assist clients who would not otherwise be able to hire a lawyer.

Another way to provide competent representation is to learn an area or partner with someone who has the requisite experience. A patent lawyer, for example, might ordinarily want to work with someone with specialized expertise while handling a pro bono immigration case. Similarly, an environmental lawyer might gain the requisite level of knowledge to handle simple pro bono wills or a residential landlord-tenant matter through CLEs and related study. Many legal service organizations also offer volunteers training in the substantive areas of greatest need for their clients. Again, the examples are many but the point is simple: through some combination of study and association, gain the knowledge you need to handle the matters you have agreed to take on.

Summing Up

There are many paths available to serve pro bono clients. Lawyers need to choose one that is consistent with their duty of competent representation so that they will “First, do no harm.”

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Bill Gary is listed in the 2017 *Best Lawyers in America*® for Appellate Practice, Administrative/Regulatory Law, and Commercial Litigation and in the 2016 *Oregon Super Lawyers*® for Appellate Practice.

Aaron Landau has been selected to the 2016 *Oregon Super Lawyers Rising Stars* list for Appellate Practice.

Susan Marmaduke is listed in the 2017 *Best Lawyers in America* for Appellate Practice and Commercial Litigation and in the 2016 *Oregon Super Lawyers* Top 50 list.

Jim Mountain is listed in the 2017 *Best Lawyers in America* for Appellate Practice and in the 2016 *Oregon Super Lawyers* for Appellate Practice; he is also recognized by *Best Lawyers* as the 2017 Administrative/Regulatory “Lawyer of the Year” in Portland.

Sharon Rudnick is listed in the 2017 *Best Lawyers in America* for Appellate Practice, Employment Law-Management, Labor Law-Management, and Mass Tort Litigation/Class Action-Defendants and in the 2016 *Oregon Super Lawyers* for Appellate Practice.

Bob Steringer is listed in the 2017 *Best Lawyers in America* for Appellate Practice and Commercial Litigation and in the 2016 *Oregon Super Lawyers* for Appellate Practice.

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Around the Bar



Greg Lockwood

Gordon & Rees

Greg Lockwood recently joined the firm's Portland office, where he focuses his practice on commercial litigation, professional liability, and legal ethics.



Brenda Meltebeke

Tonkon Torp

Brenda Meltebeke, an experienced securities and start-up attorney, has joined the firm's Business Department as a partner. Meltebeke has a broad corporate and securities law practice. She represents venture capital and angel funds in the formation state, as well as their investments in portfolio companies.



Robert Nunn

Robert Nunn

Robert Nunn has formed a solo law practice in Portland. With nearly 40 years of experience with some of the state's largest law firms, he will help solve problems for the clients with whom he most enjoys working: small businesses and their owners and families.

Miller Nash Graham & Dunn

Tom Sand, MBA President and firm partner, was elected to serve on the Children Cancer Association's Board of Directors. Sand's practice focuses on general trial work and business litigation, with an emphasis on securities, employment and other commercial matters. He also serves as an arbitrator and mediator.

Jonathan Singer was elected to serve on the Mittleman Jewish Community and Portland



Tom Sand



Jonathan Singer

Jewish Academy Boards of Directors. Singer, whose practice focuses on real estate and other commercial matters, regularly counsels developers, investors, property owners and purchasers, small business owners, lenders, borrowers, landlords, and tenants on a wide range of real estate transactions and disputes.



Jesus Miguel Palomares



Tony Kullen

Jesus Miguel Palomares was elected to serve on the Oregon Hispanic Bar Association Board of Directors. Palomares focuses his practice on creditors' rights, insolvency, litigation and international business and trade.

Tony Kullen was appointed to the Rivermark Credit Union Supervisory Committee, which consists of four members appointed by the credit union board to ensure that the credit union records are accurate, assets are secure, and procedures are in place to protect its financial assets. Kullen focuses his practice on mortgage default work for the firm's banking clients.



Paul Havel

Partner **Paul Havel** was appointed co-chair of Multilaw's Intellectual Property and Information Technology practice group, where he will be involved in developing and implementing the global marketing and business development plan for the group. Havel is the firm's practice team leader for both the Intellectual Property and Alcoholic Beverage teams. He practices in the areas of domestic and international intellectual property counseling, licensing, dispute resolution and prosecution. He has developed specialized expertise in representing the business interests of craft breweries, cideries and distilleries.



Andrew Schpak



Traci Ray

Barran Liebman

MBA President-Elect and firm partner **Andrew Schpak** has been appointed co-chair of the following ABA Judicial Division Lawyers' Conference committees: Court Funding, and the Perspectives of Young Lawyers on the Judiciary. He has also joined the American Employment Law Council, a national organization of high-level labor and employment attorneys practicing on the management side. Schpak represents management in employment litigation and provides advice in employment matters.

The firm's Executive Director **Traci Ray** has been appointed as board secretary of Dress for Success Oregon. Ray serves on the OWLS Community Services Committee, which plans the annual fundraiser Dress for Success Fashion Show, being held on October 13 from 5-7 p.m. at the Hatfield Federal Courthouse this year. All are welcome to attend.



Josh Stadler



David Zehntbauer

Dunn Carney Allen Higgins & Tongue

Attorney **Josh Stadler** has been elected treasurer of the nonprofit Portland Homeless Family Solutions' (PHFS) Board of Directors. PHFS' mission is to help homeless families with children find long-term housing.

David Zehntbauer, chair of the firm's Real Estate Practice, has been appointed to the Oregon Business Association's Board of Directors. Zehntbauer is an experienced commercial real estate and business attorney who works with clients on issues ranging from property acquisition and disposition, lease enforcement and secured financing to business entity selection, formation and financing.



Emily Pringle

Fitzwater Meyer Hollis & Marmion

Emily Pringle has joined the firm. Her practice focuses on trust and estate administration.



Laura Salerno Owens

Markowitz Herbold

Shareholder **Laura Salerno Owens** has been recognized by the University of Oregon School of Law as one of its Outstanding Young Alumni. Salerno Owens represents clients in complex litigation involving employment, class actions, noncompetition

agreements, trade secrets, unfair competition and business torts in state and federal courts.



Chris Frost

Thomas, Coon, Newton & Frost

Chris Frost has become a partner, and the firm name has been changed to reflect that fact. Frost has led the Workers' Compensation Team at the firm since 2008.



Ben Cox

Ben Cox

Ben Cox has moved his personal injury and insurance law practice to 3723 N Williams Ave., Portland OR 97227. He may be reached at ben@coxlawpx.com or 503.224.1787.



Jeffrey Bowersox

Bowersox Law Firm

Jeffrey Bowersox has been appointed by the US District Court of Minnesota to the Plaintiff's Steering Committee in the mass tort litigation against 3M and other defendants relating to the Bair Hugger surgical warming blanket. Bowersox concentrates his practice in mass tort product liability cases, including defective medical devices, pharmaceuticals and over-the-counter medicines and supplements.

The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. The submission deadline is the 10th of the month preceding publication or the prior Friday if that date falls on a weekend. All submissions are edited to fit column format and the information is used on a space-available basis in the order in which it was received. Submissions may be emailed to mba@mbabar.org.



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Tips From the Bench

Care about Vulnerable Adults? Volunteer Now!

by Judge Katherine Tennyson
Multnomah County Circuit Court

By now, it is likely that most lawyers in Oregon have attended training on their duty as mandatory reporters of Elder Abuse. For some, this training has resulted in a desire to find a way to use their legal or personal skills to help elders. There are innumerable ways to do so, and here are some:

1. Multnomah County has over 1,100 adults subject to guardianships at any one time. In the last few years, a program, Guardian Partners, has provided volunteers to assist the court in monitoring those guardianships. Although the vast majority of the reports are positive, approximately 15% of the cases monitored required some intervention, from simply providing resource information to formal court hearings. Until the monitoring program, the court had no independent way of identifying cases requiring assistance. Guardian Partners needs volunteers. Call them! (www.guardian-partners.org or 971.409.1358)
2. If you have a particular emphasis on probate, guardianships or conservatorships in your practice, Multnomah County maintains a list of lawyers who have indicated they are willing to take cases to assist the court where a personal representative, guardian or conservator needs to be replaced or a protected person needs representation. Often, these efforts are rewarded with a simple “thank you” for a job well done. If you have these skills and wish to be on the list, send me a letter!
3. Each Monday and Thursday, contested restraining orders involving elders and disabled adults occur. The Portland Regional Office of Legal Aid Services of Oregon runs a program to train lawyers to represent the person needing protection in these cases. Competent representation for these parties meets a vital need in our court’s quest to provide fair hearings



where needed evidence is available to the court. These cases generally have a short turnaround. Over 50 cases per month are filed and approximately 21 are set for contested hearing. This program needs volunteers, so call now! (503.224.4086.)

4. Elders in Action is a long time reliable resource of referrals for elders in need. Through the Personal Advocate Program, Elders in Action trains lawyers to provide assistance to those elders. There may be a need in your area of practice or you may learn about other areas in which you can gain competence. You may be asked to talk with various groups of people that the organization musters for educational sessions. If you are interested in learning more about how you can use your legal skills to help elders in Action, call them now! (Connie Crenshaw-Moore, 503.595.7530)
5. Store to Door, Friendly House and Meals on Wheels are just a few of the organizations always looking for volunteers who can assist elders with day-to-day tasks. Sometimes, an elder needs someone to do some shopping or to go with them to shop. Sometimes, an elder needs help cleaning the house or repairing a little something around the house. Sometimes, an elder needs a meal delivered to the home. So, if you are looking for ways to contribute that get you away from the law and provide value to your community, there are plenty of those options as well. Investigate the various community resources and volunteer today!

My mother used to say that “if you want something done, ask a busy person to do it.” Well, we are all busy people. We have complex jobs and lives. But if you can squeeze one more thing into your day and it can be any one of things described above, your court system and your community will be the better for it.



News from the Courthouse

by Caroline Harris Crowne
Court Liaison Committee

Presiding Judge’s Report and Courthouse Update

Judge Waller and Barbara Marcille provided the following report and update:

Trial Assignments

The court had a busy trial calendar in August. The court’s informal practice has been to ask that counsel notify the court six weeks in advance of any trial that is expected to take five days or longer. Recently, when counsel have provided less notice, the court has had difficulty arranging for enough jurors. As a result, the court is proposing an amendment to SLR 7.055 to formalize the requirement to provide six weeks advance of notice of trials expected to last five days or longer. If adopted, the amended rule will become effective on February 1, 2017.

New Courthouse

Work continued on design of the new courthouse over the summer, and groundbreaking is scheduled to occur on October 4, with major construction beginning in January. The courthouse design has been refined through the use of focus groups, with the goal of enhancing the experience of procedural justice for the public. The courthouse should be accessible and easy to navigate for all court users. The new entrance design is a major improvement and should reduce the anxiety that people experience arriving

at court, going through security, and finding the right courtroom. New technology will provide for better access for those with disabilities and those who speak different languages. There will be secure pathways to courtrooms for defendants in custody, separate from areas used by the public and jurors and separate from areas used by judges and court staff. That is a major safety improvement, and it will also eliminate the delays necessitated by security procedures in the current courthouse. The law library will be transformed to include a legal resource center to better serve unrepresented litigants. The configuration of courtrooms will provide better sightlines from jurors’ seats to the witness stand, and videoconferencing equipment will allow for testimony by remote witnesses. Judicial chambers will be combined in groups of four to facilitate sharing of resources.

The court will need the bar’s support when the next courthouse funding request is submitted in the upcoming legislative session. Also, the court will ask the bar for assistance in furnishing the new CourtCare space, which will be three times larger than the current one, and helping to develop materials and programs for pro se litigants in the new legal resource center.

Community Listening Sessions

As part of the court’s procedural justice initiative the court held a community listening session in order to gain a

better understanding of the community’s experiences and concerns with the court system. The first session, entitled “Perceptions of Justice,” was held the evening of August 30 at Portland Community College’s campus on North Killingsworth St. Approximately 250 members of the public came to the session with 30 judicial officers and a dozen court staff attending to listen to the community’s perceptions and concerns about the justice system. The program was moderated by Judge Adrienne Nelson. During the two-hour session 40 members of the public spoke about their experiences in the justice system. The evening was described by the judges as profound and enlightening. It was an unprecedented opportunity to hear from so many members of the public. The judges made a commitment to address the concerns they heard and to come up with an action plan. A second listening session is expected to take place this fall in East County. These sessions are part of the court’s ongoing initiative to improve procedural justice, reduce institutional bias, and maintain public respect for the judicial system.

Judges

On August 10, Governor Kate Brown announced the appointment of Eric L. Dahlin to fill the vacancy created by the retirement of Judge Jean K. Maurer. Judge Dahlin began his service later that month and has been handling criminal misdemeanor cases.



Celebrate Pro Bono!

Save the Date Oct. 27

The 2016 Annual Pro Bono Fair and Social will be held Thursday, October 27 at the World Trade Center in downtown Portland.

This event celebrates the pro bono work of Oregon lawyers during the previous year and includes three FREE CLEs in the afternoon, followed by the fair, awards and social from 5:00 to 7:30 p.m.

There will also be concurrent events in other cities around the state. Full details of these events will be available in the October *Bulletin* magazine and at www.osbar.org.

Oregon Lawyers Can Now Obtain MCLE Credit for Pro Bono Service

by Maya Crawford
Campaign for Equal Justice

Earlier this year the Oregon Supreme Court approved a new MCLE rule allowing attorneys to receive MCLE credit for taking on pro bono matters. The new rule, MCLE 5.3(b) became effective on September 1. Lawyers reporting their MCLE hours this year and beyond are eligible to claim the credit. Attorneys can receive up to six MCLE credits per three-year reporting period. Highlights of the credit are as follows:

- For every two hours of pro bono work an attorney is eligible for one CLE credit. So to get all six pro bono MCLE credits, an attorney would need to complete 12 pro bono hours during the three-year reporting period.
- Credits will be granted for providing direct pro bono representation to low-income clients referred by a certified pro bono program. For a list of certified pro bono programs go to: www.osbar.org/probono/CertificationProgram.html.
- The Pro Bono MCLE credits fall under the "Personal Management Assistance" credit type. Lawyers may only claim six Personal Management Assistance credits during their three year reporting period. Pro Bono Credits are only one type of credit that falls under this credit type.
- Attorneys claim the credit by self reporting when they complete their OSB MCLE compliance forms.

Oregon is the 12th state to adopt an MCLE for pro bono rule. This rule will help the OSB meet one of the goals

set out in the OSB Board of Governors' Diversity Action Plan: to "increase pro bono representation of low-income Oregonians." Allowing attorneys to receive CLE credit for pro bono representation may be an incentive for attorneys considering whether they have time in their busy schedules for pro bono. Knowing that pro bono service can also satisfy a portion of their CLE requirement might be enough to convince an attorney who is on the fence about doing pro bono work that it is worth their time.

Attorneys have many learning styles, and hands-on experiences are a great way for some attorneys to learn. Pro bono work is often outside an attorney's regular practice area, so to take on a pro bono case at all often means learning a new area of the law. By working with low-income clients, pro bono attorneys learn about overcoming bias based on economic status through one-on-one interaction. Furthermore, pro bono work is an important aspect of professionalism. The OSB Statement of Professionalism states both: "I will work to ensure access to justice for all segments of society," as well as, "I will support pro bono activities."

MCLE credit for pro bono service is a great way to both encourage and reward attorneys for handling pro bono matters. Find the pro bono opportunity that is right for you at www.osbar.org/probono. For questions about this credit, please contact Cathy Petrecca or Denise Cline at the OSB.

The Honorable Jill Tanner Pro Bono Spotlight

by Erin White
Legal Aid Services of Oregon

Judge Tanner began volunteering with the Volunteer Lawyers Project (VLP) with the Portland office of Legal Aid Services of Oregon (LASO) in 2015. When asked why she volunteers, she answered, "I volunteer because I can. I am not currently employed full-time, and being a volunteer is now at the top of my activities list. Volunteering isn't all about me, but I do seem to be getting the most out of the experiences. I feel better - physically and mentally - when I share my knowledge and experience with others who could benefit from a little legal assistance."

She first volunteered with the Clackamas County Pro Bono Project Expungement Clinic, a partnership between LASO, the Clackamas County Bar Association, Clackamas County Law Library, and the Clackamas Service Center. Volunteer attorneys meet with clients, help them assess whether they qualify for an expungement, and if so, complete the paperwork. Says Judge Tanner about the clinic, "Most of the individuals who take advantage of the expungement clinic open their self-introduction with very similar words: 'I did something stupid when I was young!' Who hasn't done something stupid? Oregon allows those who made mistakes a way to clear certain Oregon arrests and crimes from their criminal record so they can more easily rent property or get a job. LASO provides all the forms; the attorney volunteers review the clients' criminal record and complete the forms. The clients leave the clinic knowing what they need to do to clear their criminal record - it is an efficient process that offers a new beginning for qualified individuals and an incentive for those who do not qualify to know

what they need to do to clear their criminal record."

In addition to the Expungement Clinic, Judge Tanner now also volunteers with LASO's Senior Law Project (SLP). SLP is the largest of LASO's Volunteer Lawyer Projects, held at nine senior center locations and providing over 25 clinics per month in Multnomah County. Volunteers like Judge Tanner meet with clients who are 60 or over (or married to someone 60 or over) offering 30 minutes of free legal advice for civil matters. "Many of those who seek assistance are embarrassed or confused about their rights or concerned about their future, especially property distribution and housing. In 30 minutes, the quality of life for those individuals can substantially improve," says Judge Tanner.

Judge Tanner was an undergraduate at Oregon State University and Portland State University. She received her Masters of Taxation from Portland State University and her Juris Doctor from Lewis & Clark Law School. Judge Tanner joined the Oregon Tax Court in 1997 and served as the first woman Presiding Magistrate of the Oregon Tax Court from 2002 through 2015. She is currently an adjunct professor at Portland State University. Throughout her career, Judge Tanner has served in organizations including serving as the chair on the OSB Board of Examiners in 2008 and on the board 2006 through 2015, treasurer for the National Association of Women Judges' Portland Conference, president and board member of OWLS' Marion County chapter, the Mary Leonard Law Society, and on the OWLS board of directors. Throughout her career, Judge Tanner received several awards



Hon. Jill Tanner

including the Tax Court Judge of the Year award in 2006, the OSB's Member Service Award in 2011, the Women of Achievement Award from the Oregon Commission for Women in 2015, and the 2016 Justice Betty Roberts Award from OWLS.

LASO Staff Attorney and Pro Bono Coordinator Jill Mallery says, "Judge Tanner is a dedicated volunteer whose kind demeanor and helpful spirit really connects with LASO clients and volunteers. Judge Tanner currently volunteers for two Legal Aid pro bono projects and is learning more about a third. We greatly appreciate her willingness to volunteer wherever there is a need, whether it is a new project or clinic location."

Judge Tanner encourages others to join with her in pro bono service. "As an OSB member, attorneys are encouraged to set a standard that goes beyond ethical rules. Oregon's attorney standard of professionalism (and the ABA Model Rules for Professionalism) includes support of pro bono activities and advocates working to ensure access to justice. Being a pro bono volunteer gives attorneys an opportunity to be part of Legal Aid Services of Oregon, giving legal assistance to individuals you otherwise might not serve and providing access to justice with the expectation of making life better for them."

Thank you to Judge Tanner for her service! If you are inspired by her example and call to action, visit www.osbar.org/probono to learn more about pro bono opportunities in Oregon.

Things to Know

Active Pro Bono Status

The purpose is to facilitate and encourage the provision of pro bono legal services to low-income Oregonians and volunteer service to the bar by retired lawyers who otherwise may choose inactive status or even resign from membership in the bar. Learn more here: www.osbar.org/probono/ActiveProBono.html

PLF

Oregon State Bar certified pro bono programs are eligible to receive free PLF coverage for their volunteers. Learn more here: www.osbar.org/probono/PLFCoverage.html

MCLE Credit

MCLE Rule 5.3(b) allows an attorney to receive up to

six hours of MCLE credit per reporting period for the provision of pro bono services. To qualify for this type of credit a lawyer must accept the pro bono case from one of Oregon's Certified Pro Bono Providers. Attorneys can earn one MCLE credit for every two hours of pro bono service. Attorneys must report their pro bono hours to the OSB on the voluntary pro bono reporting form.

Pro Bono Resources Provided by LASO

Interpreter services
Regular, free CLEs
Trainings
Forms
Mentors
Office Space

The Honorable Kristena LaMar Pro Bono Spotlight

by Jill Mallery
Legal Aid Services of Oregon

"I enjoyed the satisfaction of seeing a nervous domestic violence client leave the interview feeling empowered and calm."

Judge LaMar has done it all: Circuit Court judge, Juvenile Court referee, attorney, counsel to the Senate Judiciary Committee, former legal aid attorney and dedicated pro bono volunteer. Judge LaMar served on the Multnomah County Circuit Court for 25 years. She specialized in Alternative Dispute Resolution and served as Multnomah County's Chief Dispute Resolution Judge from 1987 until 2009. While in private practice she focused on domestic relations, juvenile, probate, tax, criminal defense and real estate law at Lindsay, Hart, Neil and Weigler. She earned a Bachelor of

Arts from Purdue University and her Juris Doctor from University of Michigan Law School.

Over the last two years, Judge LaMar regularly volunteered as a legal aid intake attorney with A Safe Place, a family justice center in Oregon City where survivors of domestic abuse and sexual assault can access a variety of resources under one roof. Legal Aid Services of Oregon (LASO) provides on-site legal support for survivors at A Safe Place. Judge LaMar met with prospective legal aid clients, conducted client interviews and provided comprehensive legal advice to survivors of domestic violence. Due to her extensive legal background and family law expertise, she was an ideal attorney volunteer. She possesses



Hon. Kristena LaMar

the knowledge to advise domestic violence survivors on the court process, how to obtain a restraining order or other emergency temporary orders, and help them prepare for court hearings.

Judge LaMar is a dedicated and passionate advocate for domestic violence survivors. Recognizing the enormous need in the community for assistance in navigating the court system and that LASO is only able to represent a small percentage of clients that request services, she

Continued on page 15

mba | Young Lawyers Section

What is the YLS?

An inclusive section of the bar, which includes any MBA member in practice less than six years or under the age of 36. The YLS provides leadership, networking, professional development and service opportunities. And we have fun!

Ask the Expert

Dear Expert:

I recently received a negative result in a case that I didn't expect. Not only was my client upset, but I was personally affected more than I anticipated. Any advice on how to manage this in the future?

Dear Counsel:

First, take a deep breath. Everyone has unexpected negative outcomes at some point – not just new lawyers. Acting as an advocate sometimes requires us to guide our clients through zero-sum circumstances that are highly emotionally charged. Here are a few thoughts to help you navigate those moments.

- Manage expectations, both your client's and your own. Identify your client's goals and develop a reasonable strategy for achieving them. Analyze the risk of a negative result at every stage of that strategy and communicate the same to your client. Take a "no surprises" approach and encourage your client to participate in the process, she or he may be familiar with supporting facts that you are not.

- Be honest with your client and yourself about the risks associated with the matter and consider how your strategy would change if you received a negative result. Build in a way to address risks or deficiencies that arise in the course of the representation. This is usually a good way to address possible terms for an acceptable settlement agreement.
- Acknowledge and appreciate resilience, both your client's and your own. When your client has identified reasonable goals do not let them shrink to avoid a possible disappointment. Be a strong advocate for your client. Similarly, do not allow the threat of disappointment to limit your creativity, ambition, or professionalism.

Remember, developing some distance between our professional and personal lives takes time and practice. As lawyers we need to be able to empathize with our clients, but maintain a level of detachment. Essentially, we need to cultivate both a thick skin and broad shoulders.

**Put Your Knowledge and Skill to Work
It's Easier than You Might Think**

by *Cody Berne*
2016 Michael E. Haglund Pro Bono Award Recipient



During Peter Probono's first meeting with his bedridden client, Eleanor, Peter learns that Eleanor lives on Social Security and that her adult son has been draining Eleanor's bank account to buy beer and play video poker. At the time of Peter's first meeting, healthcare workers had already alerted Adult Protective Services (APS) and the police to possible elder abuse. While the police had not made an arrest at the time of Peter's first meeting with Eleanor, APS had determined that Eleanor's son's behavior constituted elder abuse and guided Eleanor through the process of obtaining a restraining order. To Eleanor's surprise, her son challenged the restraining order. Eleanor has no money to pay a lawyer and no experience with the legal system. She has never appeared in court - let alone put on a legal case.

Peter became involved with Eleanor because someone reached out to Legal Aid. Through a program called the Domestic Violence Project (DVP), Legal Aid matches attorneys in private

practice with abuse victims for representation in contested restraining order hearings, including restraining orders under Oregon's elder abuse statute. Peter, like many other lawyers, volunteers to represent clients referred through the DVP, but there always seem to be more clients in need than lawyers.

If you already volunteer for the DVP, or take on pro bono work independently or through another program, you know the benefits. But, if you are not spending a few hours each year helping people who could not otherwise afford a lawyer, consider the many reasons why you should start.

First, even if you do not have much more courtroom experience than an abuse survivor seeking representation through Legal Aid, you know where to ask for help and look for answers. A lawyer only a few months removed from the bar exam has a better understanding of how the legal system works than a pro bono client. Whether you have been practicing for decades or are just starting out, you have the knowledge and skills to help.

Second, get out of your comfort zone and begin learning a new practice area. Maybe at one time you had an interest in military and veterans' law, wills, bankruptcy, tax, or one of the many other practice areas where there is a need for lawyers to do pro bono work. Practicing in the same area year after year can sometimes grow stale. Use pro bono work to improve your

knowledge of the law and to keep yourself engaged.

Third, many pro bono opportunities are less onerous than you might think. To illustrate, Legal Aid put together a user-friendly restraining order guide, complete with strategy recommendations and case law analysis, for DVP volunteers. If you cannot find an answer to your question in the guide, other pro bono volunteers and the attorneys at Legal Aid are always available to help.

Back to Peter's new pro bono client who needs to preserve a restraining order against her son.

Peter learned how to read a statute in law school. Peter analyzes Oregon's elder abuse statute and determines that the key issue will be whether he can prove that Eleanor is in immediate danger of further abuse by her son. Legal Aid's restraining order guide even includes cites to a few cases that discuss the immediate danger standard. After putting together his case, Peter is confident that the healthcare workers who reported the abuse, along with the APS investigator, will provide compelling testimony. The helpful lawyers at Legal Aid even sent Peter a sample motion and order to allow Eleanor to appear at the hearing telephonically.

On the day of the hearing, Eleanor's son realizes that his testimony could be used against him if the state brings criminal charges. With the risk of jail time a very real possibility, he has a change of heart and drops his challenge to the restraining order.

Eleanor is relieved. Peter used his knowledge and skill to help someone who needed a lawyer and could not afford one. Because of attorneys like Peter, our community is safer, healthier, and more just. Be like Peter, and take a matter that matters.

mba yls|EVENT

YLS Social following Lewis & Clark Recent Grad CLE

**Pints Brewing Company
412 NW 5th Ave., Portland, OR 97209
Friday, October 28
5 p.m.**

The MBA YLS will be hosting a happy hour on Friday, October 28, beginning at 5 p.m. following the Lewis & Clark Recent Grad CLE on Business Models for Starting a Law Firm. The CLE will be at Immix Law Group (600 NW Naito Pkwy., Portland OR) beginning at 3 p.m. with happy hour following a few blocks away at Pints (412 NW 5th Ave., Portland OR). The YLS will be hosting appetizers.

For more information, please contact CJ Graves at cjgraves@cjgraveslawfirm.com.

**Michael Fuller, the Underdog Lawyer®
Pro Bono Spotlight**

by *Brent Hamilton*
YLS Pro Bono Committee

Within seconds of meeting Michael Fuller, it is easy to understand his passion and his practice. Michael is singularly focused on protecting consumers and serving the underserved - he is the Underdog Lawyer®. Most attorneys set aside their normal practice areas to participate in pro bono work. For Michael, pro bono work is at the core of his practice.

Beginning at the Olsen Daines firm as a law clerk in 2007, Michael quickly became the leader of the firm's commercial litigation group in 2011, and then became partner in charge of the firm's Portland office in 2014. Michael was "raised on raw meat" as an attorney, learning from Eric Olsen about how to help unsophisticated clients navigate the cluttered landscape of the law. As a result of his background, Michael is able to relate to his clients in a way that few other attorneys can.

As a child, nobody (maybe not even Michael) believed that Michael would eventually become an attorney. Michael explains that "even among a family who didn't go to college, I was the least likely to succeed." Like any good trial attorney, Michael has the evidence to support this underdog tale. Exhibit A is Michael's middle school report card, which he proudly displays on his website (underdoglawyer.com).

Michael demonstrates that there is no single path to success as an attorney. In his childhood home, a trailer park in Hillsboro, the only attorneys that Michael knew were Perry Mason and Matlock. He always preferred Matlock. Watching with his grandmother, Michael was inspired by Matlock's sense of civic duty and his desire to help innocent clients, regardless of their ability to pay. Today, Michael



Michael Fuller

practices law in a similar way, by taking clients irrespective of their ability to pay for his legal services.

Focusing on consumer protection, Michael has filed cases on behalf of his clients against debt collectors, banks, and other large corporations. Michael views his role as that of a private attorney general. In many instances, his clients know that they have been wronged, but they are unsure of where to turn. Michael provides welcome insights with a friendly dose of humor.

Michael is a bridge to underserved members of our community. About 20% of his work is dedicated to pro bono

Continued on page 13

Pro Bono Coordinators Profiles

by Aurora Levinson
YLS Pro Bono Committee

Jill Mallery is a Staff Attorney/ Pro Bono Coordinator at LASO

How did you decide to work in pro bono?

I moved to Memphis shortly before Hurricane Katrina. After the Hurricane struck, many evacuees headed to Memphis. A law professor from Tulane and I started a program to provide legal

represent clients in contested restraining order hearings. Thus, attorneys help people while at the same time they get litigation experience. In the Expungement Clinic, attorneys take a training course, after which they help qualifying clients complete their expungement papers.



Erin White and Jill Mallery

aid to those evacuees. We helped people with their FEMA appeals, which could be quite complex.

Tell us about the programs attorneys can volunteer with at LASO.

There are several programs: The Senior Law Project, the Domestic Violence Project, Bankruptcy Clinic, Family Law Clinic, and the Expungement Clinic, to name a few. For example, in the DV Clinic, attorneys

Oregon Citizen Review Board, a statewide foster care review program of citizen volunteers. Most recently, I worked with the Legal Aid Society of Hawaii doing fair housing work.

What do you think is the most valuable part of your work?

I think it's working with volunteers and clients, and helping all of them feel supported. Volunteering is very rewarding because you are helping your community. But

Erin White is a Staff Attorney/ Pro Bono Coordinator at LASO

Erin, could you tell us about your background?

I began my career as a clerk at Lane County, serving as a field manager for the

as an attorney, you also increase your experience and feel more competent.

What type of support does your organization provide for volunteer attorneys?

First of all, we provide training and mentorship. We are also available to answer questions, and we offer an extensive library of court forms and pleadings, as well as online training. And we also offer our conference room so attorneys can meet there with clients. Additionally, we provide malpractice insurance and interpreter services as needed.



Lori Alton

Lori Alton is Statewide Administrator and Pro Bono Manager for Oregon Law Center (OLC)

Lori, could you tell us about your current work with OLC?

I am the program administrator for the eight regional offices of OLC. I am also the Pro Bono Program Manager. I manage the law firm clinics, as well as the Pro Bono Oregon Listserv.

Please tell us more about the Listserv.

You can sign up for the Listserv at www.oregonadvocate.org. Every Thursday, we release a list of pro bono cases throughout the state, with different legal organizations. The Listserv will specify if a particular language or cultural background are desired for a specific case. Also, attorneys and staff can find a lot of useful material on the Oregon Advocate website, such as articles, videos, and classes.

What else would you like to tell attorneys who are thinking about doing pro bono work, but maybe aren't sure about where to start?

I suggest you get in touch with us. I'm always willing to answer questions and happy to help point attorneys in the right direction. There are opportunities for everyone, and it's only a matter of finding the right fit.

Heather, you're new to the position of Pro Bono Manager, what is your background?

I began my legal career at LASO 10 years ago as a staff attorney in the Hillsboro Regional Office, which transitioned to an OLC office in 2011. For the last six years I was a supervising attorney. In this role I specialized in domestic violence family law cases throughout the five-county region we served.

What pro bono experiences do you bring to LASO?

At OLC, I assisted with local pro bono projects, which included an Expungement Clinic, often staffed by the corporate legal departments from Intel and Hewlett Packard. Since the counties served by the Hillsboro Regional office didn't have large law firms, it was great to be able to work with the legal departments at local corporations to partner on pro bono projects.

What do you look forward to the most in your new position?

Bringing urban pro bono resources to the low-income populations in rural communities. Oregon is lucky to have such a great legal community willing to volunteer their time. This, paired with new technologies, makes it possible to bring much needed resources, such as virtual clinics, to rural communities who historically have not received as many pro bono resources.



Heather Kemper

Heather Kemper is Statewide Pro Bono Manager at LASO

Michael Fuller

Continued from page 12

litigation. But all of his work focuses on helping the little guy (and gal). Prospective clients seek out Michael because he can relate to their stories. And when Michael isn't the right attorney for the job, he will find the attorney who is. As a result of his efforts, countless individuals have sought out and received legal assistance that they might not have found without Michael.

This year, Michael is on a million dollar mission. His goal for 2016 is to wipe out one million dollars of student debt. Through his website, oregonstudentdebt.com, Michael offers information to consumers about how to wipe out student loans in bankruptcy by relying upon the undue hardship exception. If anyone has student

loan debt that they cannot repay, Michael wants to help. To be clear, Michael is not against student loans in principle. He views formal education as the best way for an underdog to end up on top. Michael admits that he would not be an attorney without student loans. When the consumer has the ability to repay student loans, the system is working as it should. But when the consumer does not have the ability to repay student loans, Michael's pro bono project is there to help.

Through his considerable efforts and robust pro bono practice, Michael has worked to improve the lives of many. And while it's not so clear who the underdog is, Michael or his clients, it is clear that consumers in Oregon have a force championing their cause.

Now prosecuting product liability claims against 3M Corporation for Bair Hugger® surgical warming blankets

Referrals and co-counsel arrangements welcomed
Referral fees paid in accordance with ORPC 1.5(d)



Jeffrey A. Bowersox

Jeff Bowersox has been appointed by the Federal Court to the Plaintiffs' Steering Committee (PSC) for the Nationwide products liability litigation against 3M related to its Bair Hugger® surgical warming blanket devices and alleged deep joint infections.

Jeff is serving on multiple subcommittees of the PSC. The PSC has responsibility to conduct all depositions and seek and manage document and ESI production from defendants to prepare plaintiffs' case for Bellwether trials.

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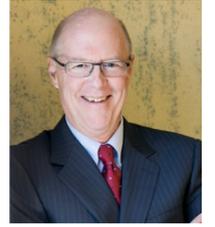
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Pro Bono Volunteers

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

Cameron Anderly • Kathleen Baker • Michael Blaskowsky • J. Rion Bourgeois • Cierra Brown • Amanda Bruen • Aleece Burgio • M. Caroline Cantrell • Brett

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Hon. Kristena LaMar

Continued from page 11

decided to volunteer with LASO and A Safe Place to provide that help. Understanding this reality, Judge Lamar emphasizes, "Since LASO only has the capacity to serve 15% of the legal needs of the poor, it was critical to get as much information communicated as possible to help them make a decision on representation." With the advice Judge Lamar provided, LASO self-help materials and Oregon Judicial Department forms, clients were able to navigate the court system and successfully represent themselves in court.

According to Julia Olsen, Director of the Portland Regional Office of Legal Aid, "LASO was very fortunate to have Judge LaMar volunteer for us by providing pro bono legal services to our clients. She made a huge time commitment to representing our clients. She used her unique

LAWYERING IN THE DIGITAL AGE

A Fall Workshop Series for Solo and Small Firm Practitioners

Session 2

How to Get Your Website Found

Tuesday, October 18, noon-1:30pm

Hotel Monaco, 5th Avenue Room, 506 SW Washington St.

In this workshop, **Mike Maloney** of SmartReach Digital, will cover how search engines work, how they find and rank websites, and how you can use keywords, directories and links to build the visibility of your firm's website on search engines. There is no point in having a great website if no one knows it's there. Attend this workshop to learn how to make your practice visible online. Mike is a 24-year veteran of the Portland advertising industry. He has worked extensively in digital, broadcast, sports sponsorship and out-of-home advertising and recently launched the Portland office of SmartReach Digital, the digital advertising arm of Entercom Communications.

Session 3

Navigating the World of Practice Management Software for Small Firm or Solo Practitioner

Tuesday, November 15, noon-1:30pm

Red Star Tavern Club Room, 503 SW Alder St.

Local personal injury and criminal defense lawyer **Quinn Posner**, Posner Law Office, will lead a discussion focused on finding the best software options that are user-friendly for small offices and which will simplify managing your business and organizing your law practice. Whether you're just opening your firm or are trying to make some changes in your existing practice, this workshop is for you.

Session 4

The Path to Paperless: Making the Switch Work in Your Practice

Wednesday, December 14, 2016, noon-1:30pm

Red Star Tavern Club Room, 503 SW Alder St.

As the practice of law becomes increasingly digitized, mobile, and cloud-based, firms large and small are exploring the most efficient, effective and secure ways to store and transmit data in paperless form. Our presenters include an expert who has literally "written the book" on going paperless, along with representatives from two local firms who have successfully transitioned to paperless law offices. **Sheila Blackford**, PLF Practice Management Advisor and co-author of *Paperless in One Hour for Lawyers*, will discuss the best strategies for moving your law office into the digital age. Ms. Blackford will be joined by **Ryan Vanden Brink** from Intelekia Law Group, and **Heather Bowman** from Bodyfelt Mount. Intelekia Law has been named a partner in the OSB Sustainability Program as well as the ABA Office Climate Change Challenge. Bodyfelt Mount was awarded the OSB's 2014 Sustainable Law Office Leadership Award.

Register at www.mbabar.org. Workshops are \$20 for members and \$60 for nonmembers.

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, gluten-free, etc.).

perspective as a former judge to help guide people through a complicated and at times intimidating system."

Judge LaMar is a champion for the legal rights of low-income individuals and encourages attorneys to provide pro bono legal assistance. Judge LaMar explains "I volunteered because I felt my experience as a lawyer and judge had equipped me to give prospective clients confidence and insight into the legal process, and assure them they could represent themselves, if necessary." Judge LaMar believes lawyers should do pro bono work and "would mandate that each attorney in private practice take just two

clients a year." She explains "I think it's important that anyone practicing law appreciate these communities who lack resources to hire counsel." Judge LaMar also makes a plea to bilingual attorneys and judges to offer their services to help address the great need and lack of resources for non-English speaking populations.

Through her dedicated work at Legal Aid and A Safe Place, Judge LaMar has shown her commitment to empowering low-income, vulnerable populations through educating them about their legal rights and the court process. On behalf of the clients she has helped and lives she has changed, we thank her for her dedication.

Mentoring Through Pro Bono

by Cathy Petrecca
Oregon State Bar Pro Bono Manager

In conjunction with National Pro Bono Celebration Week, the New Lawyer Mentoring Program (NLMP) wants you to know that they're looking for a few good candidates to complete the mentoring program via a pro bono case. If you're a mentor, or interested in serving as a mentor, and have a particular interest in pro bono work, this may be the project for you. If you're a new lawyer who wants to commit to including pro bono work as part of your practice, this may also be the project for you.

In 2011, the Oregon Supreme Court initiated the NLMP, requiring that all new lawyers be connected with a more experienced mentor. The NLMP is administered by the OSB. To date, 1,160 new lawyers have completed the program, with just over another 500 currently taking part.

NLMP Director Kateri Walsh says that the Pro Bono Pilot Program will offer some flexibility to the new lawyers/mentors who use it. "If structured creatively, we expect that this project could almost entirely fulfill the NLMP curriculum, and do it in a manner that is at once exciting and deeply impactful for all involved."

Chief Justice Thomas Balmer offers unwavering support for the NLMP, and the pro bono possibilities it affords. He has said, "When we began the NLMP, we hoped that it would reinforce

the collegial nature of our bar, while providing a resource to every new professional during a transition that can, at times, prove bewildering. It seemed particularly relevant in an economic climate that saw so many new lawyers starting their own practices without the support systems that many of us enjoyed early in our careers. We also saw the program as a way to help ensure that all members of the bar - and its new lawyers in particular - serve their clients with competence and professionalism. The NLMP provides a great opportunity to pass on to new lawyers the high standards of integrity, ethics and public service that are an Oregon tradition. One means of enhancing this great opportunity is to involve our new lawyers early and meaningfully in addressing the justice gap - a critical issue facing our communities today."

Mentors and new lawyers who try this pilot program will work with the NLMP coordinator to craft a year-long curriculum that factors in all of the NLMP requirements within the scope of handling a pro bono matter. The coordinator will also work with the attorneys to find a good pro bono matter to handle. Contact NLMP Coordinator Cathy Petrecca if you're interested: cpetrecca@osbar.org or 503.431.6355.

Resources for Pro Bono Attorneys

LOCAL RESOURCES:

Multnomah Bar Association
www.mbabar.org/about-us/pro-bono.html

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

Oregon State Bar
www.osbar.org/probono
Find information on pro bono in Oregon that includes volunteer opportunities, 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
This statewide advocate's website is sponsored by the legal aid community in Oregon and features a substantive law library as well as free CLEs for pro bono attorneys. Membership is free. Once you are a member sign up for ProBonoOregon, a weekly listserv offering pro bono cases for attorneys.

Oregon Law Help
www.oregonlawhelp.org
Free legal information to low income Oregonians is provided through this one stop statewide website sponsored by legal aid

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

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

NATIONAL RESOURCES:

American Bar Association
www.americanbar.org/groups/probono_public_service.html
The ABA Standing Committee on Pro Bono & Public Service is a national source for pro bono information and resources.

The Pro Bono Institute
www.probonoinst.org
The institute specializes in supporting the pro bono work of law firms and corporate legal departments.

Pro Bono Net
www.probono.net
This site provides regional, national and international resources for attorneys working to assist low income clients.

Classifieds

Positions

Assistant Director: Oregon Law Foundation and Legal Services Programs

The Oregon State Bar is looking to fill the position that will work with the Director to achieve the objectives of the Oregon Law Foundation (OLF), the Legal Services Programs (LSP), and other access to justice initiatives. If this position speaks to your passion and experience, we encourage you to apply.

Please visit www.osbar.org/osbcenter/openings.html for job details. Equal Opportunity Employer.

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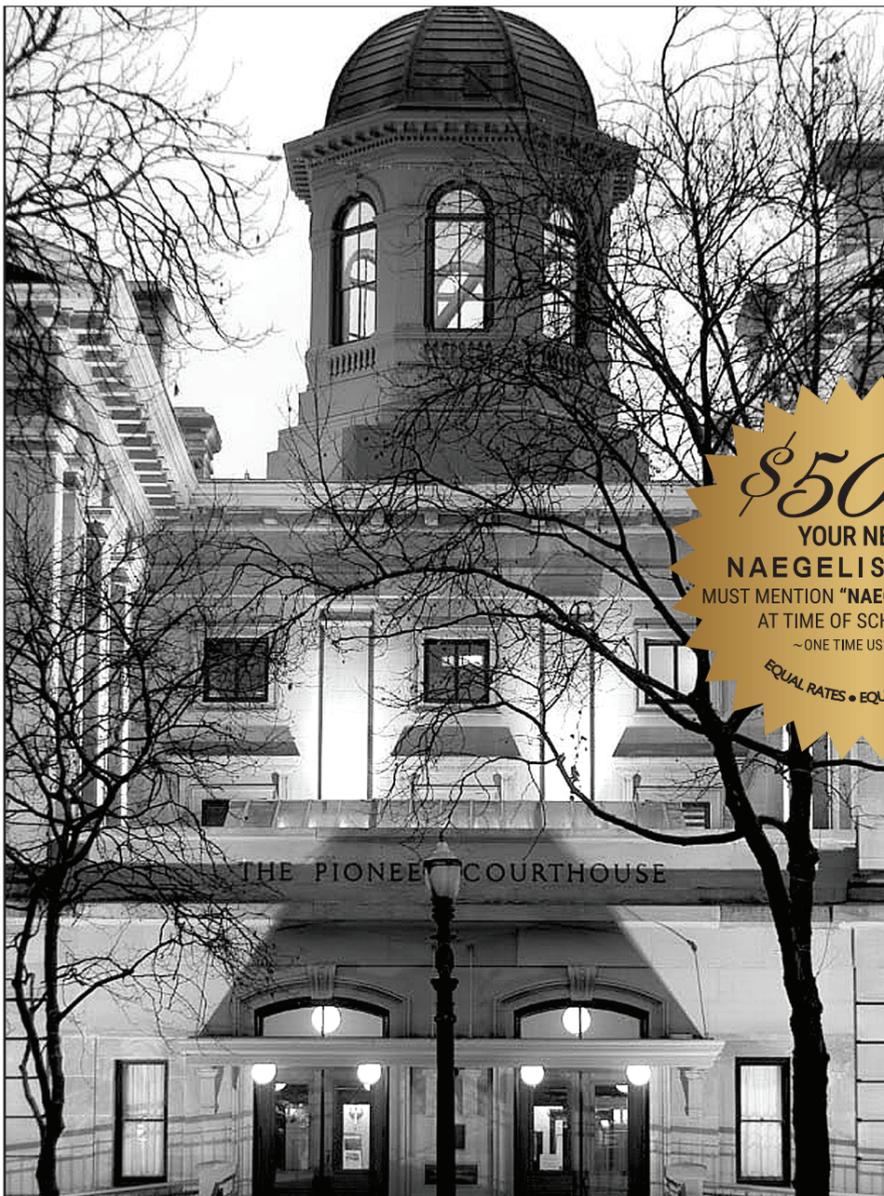


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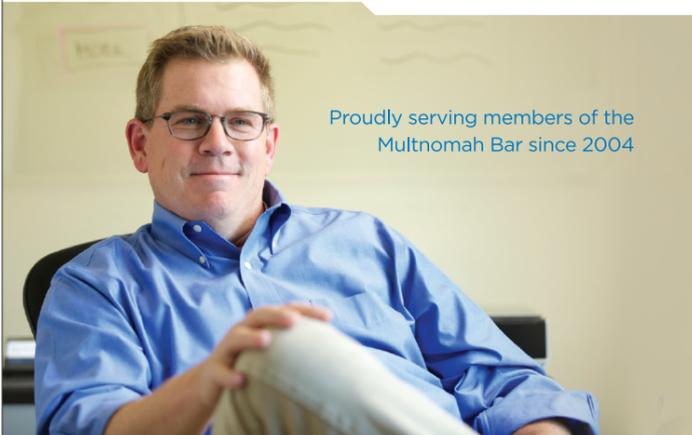
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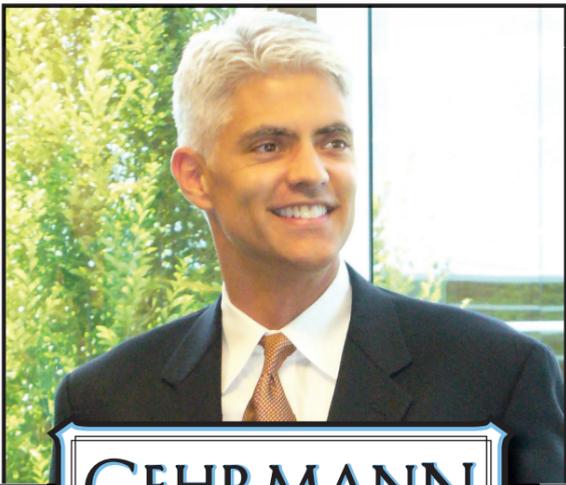
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Special thanks to the law firms of Jaqua & Wheatley and Perkins Coie for their donations of books for the OLCR library wall.

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The 2016 Pro Bono Fair

by Cathy Petrecca
Oregon State Bar

Celebrate all things pro bono on Thursday, October 27 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. Davis Wright Tremaine, Stahancyk Kent & Hook, and the Schroeder Law Offices are the three firms winning top honors this year. John Salois, John Lundeen, Kristina Holm and Josephine Townsend are all individual winners. They'll be feted by Chief Justice Balmer, OSB President Ray Heysell 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 OSB: mlane@osbar.org. Topics this year:

1. Prioritizing Pro Bono in Your Practice: Ethics & Opportunities for New Lawyers
2. LASO Domestic Violence Project: Representing DV Survivors in Restraining Order Cases
3. Pro Bono Service in Federal Court: Always a Treat

Legal services providers who will be attending this year's fair include Legal Aid Services of Oregon, Oregon Law Center, Catholic Charities, Elders in Action, the Small Business Legal Clinic and many more. They will be available to meet with attorneys from 5-7 p.m. and answer questions about their programs and volunteer opportunities.

The reception is hosted by the Oregon New Lawyers' Division of the OSB, the OSB Pro Bono Committee, the MBA Young Lawyers Section, Legal Aid Services of Oregon and the Oregon Law Center. Beer and

wine are provided by Barran Liebman LLP and Miller Nash Graham and Dunn LLP. Heavy appetizers and small desserts will be available.

Stahancyk, Kent & Hook is a boutique family law and estate planning firm with 22 attorneys in offices in Portland, Bend, Vancouver, Astoria, and Prineville. They are this year's winner of the Medium Firm Award. The firm promotes and participates in pro bono work throughout Oregon and Washington so that through action, they can demonstrate their belief that lawyers should give back to their communities. The bulk of their pro bono work is in the representation of children in high-conflict child custody cases, often when both parents are unrepresented by attorneys. They are active in the Multnomah County Children's Representation Project created and managed by Judge Susan Svetkey. In addition, their attorneys organize events and provide legal services to veterans and other community heroes in need of estate planning (especially in Oregon's rural counties), have aided at-risk individuals in obtaining advice and services in instances of workplace discrimination, and provide pro bono representation on behalf of victims of domestic violence as well as juvenile dependency matters. They have also helped institute training and education programs about domestic violence and the impact it has on families.

Davis Wright Tremaine wins the award this year for the most pro bono hours reported by a large firm. In 2015, Davis Wright Tremaine provided a wide range of pro bono legal services to the Oregon community. These included cases providing pro bono representation to pro se litigants in federal court, such as the case handled by Ashley Vulin and Elizabeth Bingold involving a civil claim related to improper revocation of a prisoner's transitional release that resulted in a settlement compensating

the plaintiff for seven months of improper imprisonment.

Davis Wright Tremaine also handles cases on behalf of the ACLU. In one such case, handled by Alan Galloway and Tim Cunningham, the firm represented a citizen journalist whose cell phone was seized while filming an arrest. This project is resulting in police revising the procedures for dealing with public filming incidents.

Caitlin Shin, a Davis Wright Tremaine attorney, successfully represented a pro se litigant seeking transportation to a doctor's appointment to obtain a new wheelchair, after the government authority sought to have his claim dismissed as moot.

Davis Wright Tremaine also provides pro bono legal representation to nonprofits. The firm has assisted Zenger Farms on land use and real estate matters related to agricultural use in an urban area. Robert Newell also works with Mercy Corps both on governance issues and negotiating access in the international arena.

This year's winner of the ONLD's Pro Bono Challenge, Small Firm Award, is Schroeder Law Offices, a winner in several previous years, too. This five-attorney firm, whose motto is "We Do Everything Water," routinely offers pro bono legal services to several nonprofits, including multiple ground water and water utility associations, agricultural water associations and a nonprofit legal center. In addition, firm attorneys provide legal consultation and services related to contract and lease terms, estate planning and family law matters. Schroeder Law Offices attorneys also present legal seminars on a variety of easement, estate planning, and natural resource topics to members of nonprofit organizations several times a year.

Attorneys and staff at Schroeder Law Offices strongly believe that legal pro bono work is part of what being a lawyer and counselor at law is all about. They further enjoy the networking opportunities and satisfaction from on-site, real-time client work with the experience that pro bono work provides.

Josephine C. Townsend has been awarded with the Solo Practitioners Pro Bono Award. Before becoming a lawyer, Townsend was a New York state Trooper for 20 years. Throughout her legal career she has practiced in the areas of Government tort defense, criminal law both as prosecutor and defense, insurance subrogation, civil litigation and family law. Her current practice focuses on civil, criminal and family law.

Townsend has spent most of her pro bono representation on family law cases with some landlord tenant work. A memorable pro bono case she worked on was one where a husband transferred all of his assets to a girlfriend in violation of the court's order of restraint. The court made him undo the transactions and then split the assets evenly and equitably. When asked why she thinks pro bono work is important, Townsend stated: "When you take on a pro bono case, you realize how lost people can get in the process, the paperwork. We go to court all the time, it is second nature to us, but it is so intimidating to most people. It prevents them from getting just and equitable outcomes. You can have such a huge impact on people's lives."

John Salois is the founder of the Homeless Youth Law Clinic (HYLC), a nonprofit dedicated to serving the homeless youth population of Portland. He is this year's winner of the ONLD Member Pro Bono Award.

Salois has worked with homeless and vulnerable youth since joining the Oregon Bar in 2013. His experience volunteering at New Avenues for Youth showed him the many unmet legal needs of homeless minors, including expungements, housing, family/custody, debt relief/consumer, searching for one's biological parent, foster care, immigration, and education issues. The HYLC has already assisted 124 youth with free legal services since its start in 2014, and has been successful in helping clients find housing, navigate the complexities of probate court, and establish legal custody of children. Case workers with New Avenues for Youth call John's advocacy "invaluable" and "remarkable."

Salois emphasizes that HYLC's impressive achievements so far still can't meet the level of need in the homeless community. He writes that "the need is so great - there are nearly 3,000 youth experiencing homelessness." HYLC's work can be supported at their crowdsource page at www.crowdrise.com/beabARRIERbreaker/fundraiser/homelessyouthlawclin.

After 35 years of family law practice principally in Clackamas County, John W. "Jack" Lundeen was diagnosed with cancer in 2013. He retired from private practice, but maintained an active pro bono practice. He worked on pro bono matters with St. Andrew Legal Clinic handling family law cases in Clackamas County. **Jack is this year's Active Pro Bono award winner, providing 414 hours of pro bono work while**

receiving treatment for his cancer diagnosis.

According to Shelly Matthys, St. Andrew Legal Clinic's Executive Director, Jack was always a generous supporter of St. Andrew both with his time as a former board member and financially. So when he offered his services to them as a pro bono attorney upon his retirement, they were thrilled. Over the next year his office became St. Andrew's Clackamas County satellite. He immediately jumped in and started taking cases and eventually ended up with 30 clients in various family law matters. His clients were grateful to have had the opportunity to be represented by an attorney with such extensive experience, something which they would most likely not have had if Jack hadn't been there for them. They felt he truly cared about them and had their best interests at heart.

Kristina Holm is the Individual at a Firm winner. She is counsel at Perkins Coie, where she has worked for five years. While her current practice is largely commercial litigation, her pro bono practice is far removed from that. In 2015 she worked on a civil rights pro bono case in the District of Oregon concerning the right to family integrity. She also worked on a death penalty case challenging Alabama's practice of allowing a judge to overturn a jury's sentencing "recommendation" in death penalty cases. She notes that in 2015 Perkins Coie was awarded the Exceptional Service Award from the ABA Death Penalty Representation Project based on its work in that matter, as well as other death penalty cases.

Kristina has always had a strong commitment to social justice and equity. Prior to law school, she worked in Portland with homeless teens and refugees. During law school, she continued work with refugees. While working at a New York law firm, she externed at the Queens Family Justice Center, representing survivors of domestic violence in various family law cases for three months. After leaving New York, she volunteered in Ecuador at a non-governmental organization working with refugees and in Kenya working on human rights issues related to women's reproductive health.

Kristina believes it is every lawyer's professional obligation to provide some pro bono service in exchange for the privilege of practicing law. More than that, it provides an opportunity to work on important social justice issues through the legal system and assist individuals in need of and deserving of legal services. She believes that pro bono work keeps her engaged in the important issues facing our society and is grateful to Perkins Coie for allowing her the opportunity to continue to devote a significant portion of her time to pro bono work.

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