



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION
1906

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community.

February 2008 Volume 54, Number 2



The Vanishing Civil Jury Trial and Experienced Judge

By Thom Brown, MBA President.

One of the hats I wear is the managing partner of my firm, which, for those who don't know, does a lot of civil litigation. When I began with the firm 27 years ago, there was a district court, there wasn't any arbitration or mediation,

many of the trial judges had extensive civil litigation experience before taking the bench and the costs (and risks) for trying cases were much lower. And that meant that a young lawyer could try small cases to a jury before a judge who had tried similar cases in private practice. Indeed, apart from the district court, all of the other factors led to many of the firm's lawyers (and lawyers in other civil litigation firms) frequently trying cases.

Things have changed dramatically since 1981. Now there's no district court, cases with a value of \$50,000 or less are arbitrated, mediation is commonplace (and, indeed, required in certain circumstances) and the vast majority of trial judges taking the bench don't have any civil litigation background. As a result, young lawyers (and even lawyers with 10 to 15 years of experience) don't get to try cases to a jury and/or before a judge with civil trial experience. And, as a result, aside from the fact that appellate lawyers like me have fewer appeals (a concern in and of itself, to be sure) young lawyers and judges don't develop the knowledge, skill and expertise for trying those kinds of cases - only about 100 civil trials occurred in all of 2007 in Multnomah County - and young lawyers lose the mentoring opportunities that often used to be provided them during or after civil trials before experienced trial judges.

A lot has been written about trials as a way of resolving civil disputes. Without question, arbitration and mediation serve very important roles in many cases. And the vast majority of civil cases settle, which they should. But some cases don't and shouldn't. They have to or should be tried, preferably to a jury. And, others should be tried for no other reason than both the bench and bar need that experience for the proper handling of the cases that must be tried. Moreover, mediation is as successful as it is because of the fact that, should it not succeed, a trial will occur or because the actual jury verdicts prompt parties and their attorneys to get more "real" about the benefits or risks of going to trial. Finally, there's no question that the ever-increasing costs and risks of litigation today (because of motion practice and discovery, among other reasons) inhibit resolving many cases by trial.

The MBA has just begun to focus on these issues. I know that our local trial judges and the American College of Trial Lawyers are also looking at them. So are, I'm sure, the Oregon Trial Lawyers Association and the Oregon Association of Defense Counsel. Some creative possible solutions are either already far enough along to begin implementation in the near future, such as private civil litigation firms: (a) allowing attorneys to work with district attorney and public defender offices; (b) holding in-house trial programs;

(c) sending attorneys to trial programs provided by third-parties; (d) encouraging the handling of pro bono cases that can be tried.

Other possible solutions I've heard mentioned include: (a) resurrecting district court; (b) changing the arbitration rules; (c) providing ways to let parties, if they agree to do so, try cases to a six-person jury in an actual courtroom with a judge; (d) trying to change the procedural rules to lower the costs (and attendant risks) for trying cases; and (e) continuing to try and obtain appropriate courthouses and judicial compensation and staffing to attract more experienced civil trial lawyers to seek judicial appointment or election.

As a person involved in this fall's OSB program on the future of our profession, I'm encouraging the planners to make sure that the program includes a careful exploration of the vanishing civil trial and the lack of judges with civil litigation experience. I will also do what I can to make sure that the MBA plays a leadership role in addressing these issues through our Court Liaison Committee. As always, if you have any ideas of your own on how the MBA can best address the issues, please let me know.

MBA Open House February 13

Please join us for the Annual MBA Open House on Wednesday, February 13 from 4-6 p.m. Stop by to help us honor Judge Dale Koch and catch up with friends and colleagues.

Select wines and hors' d'oeuvres will be served.

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MBA Board Elections

The MBA bylaws provide for a slate of candidates to be presented to the membership at least 60 days prior to the annual meeting. This slate will appear in the March issue of the *Multnomah Lawyer*.

The bylaws also provide for nominations from the membership at large. A nominating petition, endorsed by the nominee and at least 10 other MBA members, must be received by 5 p.m. on Monday, February 11, in the MBA office.

Ballots will be included with the April newsletter; they will be due to the MBA office by 5 p.m. on Wednesday, April 30. Winners will be officially announced at the MBA Annual meeting on Wednesday, May 21.

MBA CLE

To register for a CLE, please see the inserts in this issue or go to www.mbar.org.

February

Wednesday, February 6
Washington, Clackamas and Clark Counties Presiding Courts Update

Judge John Nichols
Judge Thomas Kohl
Judge Steven Maurer
Leslie Johnson

Thursday, February 28
Recognizing and Finding Relief from Predatory Lending

Hope Del Carlo
David Tatman

March

Tuesday, March 11
Annual Family Law Update

Judge Nan Waller
Thomas Bittner
Gary Zimmer

Tuesday, March 18
2008 Estate Planning Update

Christopher P. Cline
Scott Howard

Wednesday, March 19
Multnomah County Presiding Court Update

Judge Jean Maurer

Thursday, March 20
Enforcing Judgments in Family Law Cases

Mark Kramer
Jeffrey Renshaw

April

Thursday, April 10
Insurance Coverage in Civil Disputes

Bill Earle
Jim McDermott

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Advertising is accepted; advertisers(ments) are not necessarily endorsed by the MBA. The editor reserves the right to reject any advertisement.

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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CALENDAR

For a complete MBA calendar, please visit www.mbabar.org.

February

5
Tuesday, MBA Board meeting

6
Wednesday, MBA CLE
Washington, Clackamas, Clark
Counties Update
See insert or register at
www.mbabar.org.

8
Friday, March *Multnomah*
Lawyer deadline

Friday, YLS Social for Law
Students at Tonkon Torp
See p. 10 for details.

11
Monday, MBA Board
Nominating Petitions due

12
Tuesday, YLS Board meeting

13
Wednesday, MBA Open House
Honoring Judge Dale Koch
See p. 1 for details.

18
Monday, Presidents' Day
MBA closed

21
Thursday, YLS PDE Seminar
You Be the Judge
See insert for details.

23
Saturday, WinterSmash at 20th
Century Lanes
See p. 9 for details.

25
Monday, Pro Bono Award
Nominations Deadline
See nomination form insert.

27
Wednesday, Multnomah Bar
Foundation Board meeting

28
Thursday, MBA CLE
Predatory Lending
See insert or register at
www.mbabar.org.

March

4
Tuesday, MBA Board meeting

Tuesday, CEJ Annual Luncheon at
The Governor
Visit www.cej-oregon.org for
details.

10
Monday, April *Multnomah*
Lawyer deadline

11
Tuesday, YLS Board meeting

Tuesday, MBA CLE – Annual
Family Law Update
See insert or register at
www.mbabar.org.

14
Friday, OWLS Awards Dinner at
The Governor Hotel
Visit www.oregonwomenlawyers.org
for details.

19
Wednesday, MBA CLE
Multnomah County Presiding
Court Update
See insert or register at
www.mbabar.org.

20
Thursday, MBA CLE – Enforcing
Family Law Judgments
See insert or register at
www.mbabar.org.

April

1
Tuesday, MBA Board meeting

Tuesday, YLS Practical Skills
CLE Seminar begins
See insert to register.

8
Tuesday, YLS Board meeting

10
Thursday, May *Multnomah*
Lawyer deadline

Thursday, MBA CLE – Insurance
Coverage in Civil Disputes
See insert or register at
www.mbabar.org.

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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

Class Actions: Unique Issues, Unique Solutions



Class actions are a unique procedural tool. They also present some unique ethical issues along with some unique solutions. In this column, we'll look at four issues: (1) the marketing rules that apply to recruiting class members; (2) the application of the "no contact" rule; (3) conflicts; and (4) settlements. With each, the unique aspect of class actions is that the lawyers involved don't necessarily have the same degree of personal contact with their clients that lawyers handling even a multi-party case do. In light of that, the ethics rules rely heavily on the accompanying procedural rules governing class actions to supply the difference.

Oregon has less guidance in these areas than in most others for two reasons. First, there are no OSB formal ethics opinions specifically addressing class actions. Second, much of the national guidance comes from the comments to the ABA's influential Model Rules of Professional Conduct on which Oregon's Rules of Professional Conduct (RPCs) are patterned, but Oregon did not adopt the comments when we moved to the RPCs in 2005. Nonetheless, the ABA Model Rule comments have been cited in other areas by both the Oregon Supreme Court and the OSB and should offer useful lessons to Oregon lawyers even though they are not "official."

Several ABA ethics opinions also deal with these issues in the class action context. We'll discuss both the ABA comments and two ABA ethics opinions in particular here. These are both available on the ABA Center for Professional Responsibility's Web site, www.abanet.org/cpr. Finally, the key class action procedural rules, ORCP 32 and FRCP 23, together with accompanying court decisions, supply important guidance, too.

Marketing

The unique aspects of class actions begin at the beginning. Although some persons who may become the lawyer's clients actually meet and work with the lawyer in the "usual" way, many, especially in larger class actions, do not. Rather, they may hear of the attempt to form a class through news media reports, targeted mailings or court-required notices to potential class members. Both the ABA Formal Ethics Opinion 07-445 (2007)

and Comment 4 to ABA Model Rule 7.2 address marketing in the class action context. The former notes that the First Amendment and the ABA's solicitation rule generally allow direct contact with prospective clients through targeted direct mail (see *Shapero v. Kentucky Bar Ass'n*, 486 US 466, 108 SCt 1916, 100 LEd2d 475 (1988) and ABA Model Rule 7.3; see also *Gulf Oil Co. v. Bernard*, 452 US 89, 101 SCt 2193, 68 LEd2d 693 (1981) (reaching the same conclusion under FRCP 23)). The latter notes that court-required notices to potential class members are permitted under the marketing rules.

It is important to remember, however, that although Oregon's marketing rules are patterned generally on their ABA Model Rule counterparts, there are some variations. In particular, Oregon RPC 7.3(c) requires that targeted direct mailings contain the word "advertisement" on the outer envelope if in hard copy and at the beginning and end of any electronic communication.

"No Contact" Rule

The primary question in the class action context under RPC 4.2's "no contact" rule is whether members of a potential class are "represented parties" before the class is certified by the court involved under the applicable procedural rule. ABA Formal Ethics Opinion 2007-445 answers this question by drawing a distinction between individual class representatives and potential class members:

"Before the class has been certified by a court, the lawyer for plaintiff will represent one or more persons with whom a client-lawyer relationship clearly has been established. As to persons who are potential members of a class if it is certified, however, no client-lawyer relationship has been established. A client-lawyer relationship with a potential member of the class does not begin until the class has been certified and the time for opting out by a potential member of the class has expired. If the client has neither a consensual relationship with the lawyer nor a legal substitute for consent, there is no representation. Therefore, putative class members are not represented parties for purposes of the Model Rules

Nominations for Pro Bono Awards

Please see the insert in this issue to nominate your peers for a Pro Bono Award. Deadline is February 25.

Update Your Online Directory Listing

MBA members may now select as many areas of practice as they would like to include in their online directory listing. If you have not already selected your practice areas, please update your listing now by visiting www.mbar.org. The old practice areas will soon be removed.

MBA Bike Rides

MBA noon time rides - short fast rides 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 meet at the start.

Celebrate Valentines Day with the Campaign for Equal Justice (CEJ)

On February 13, the Gerding Theater will feature Portland Center Stage's production of *The Beard of Avon* and a reception, sponsored by Northwest Bank. Reception and theater tours begin at 6:15 p.m. Curtain is at 7:30. For additional information and to purchase tickets, call the CEJ at 503.295.8442.

prior to certification of the class and the expiration of the opt-out period." (Id. at 3.)

Conflicts

Conflict is an area where the class action procedural rules play an especially important role. The Ninth Circuit noted in *Winger v. SI Management L.P.*, 301 F3d 1115, 1122 (9th Cir 2002), that even in federal class actions, state ethics rules control the question of whether a conflict exists. At the same time, the procedural rules in both federal and state court play an important role in vetting conflicts on the part of class counsel. Both FRCP 23(a)(4) and 23(g)(1)(B) and ORCP 32A(4) require a showing that proposed counsel for the class will "fairly and adequately" represent the class. The courts have framed this requirement in roughly comparable terms as it relates to conflicts: see, e.g., *Linney v. Cellular Alaska Partnership*, 151 F3d 1234, 1239 (9th Cir 1998) ("This requirement ensures that the class is adequately represented both by counsel and the named representative parties."); *Alsea Veneer, Inc. v. State*, 117 Or App 42, 53, 843 P2d 492 (1992), aff'd in part and rev'd in part, 318 Or 33, 862 P2d 95 (1993) ("In this context, the interests of the class can be adequately protected if (1) there are no disabling

Trudy Allen and David F. Bartz, Jr. to be honored at OWLS Roberts-Deiz Dinner

Oregon Women Lawyers (OWLS) is pleased to announce the recipients of the 2008 Justice Betty Roberts and Judge Mercedes Deiz Awards.

Trudy Allen, former board member and current Historian of the Queen's Bench chapter of OWLS, has been selected to receive the Justice Betty Roberts Award for the promotion of women in the law, and David F. Bartz, Jr., President and Shareholder of Schwabe, Williamson & Wyatt, will receive the Judge Mercedes Deiz Award for promotion of minorities in the law. The award recipients will be honored at the 16th Annual Awards Dinner on March 14 at the Governor Hotel in downtown Portland.

Information about and tickets for the Roberts-Deiz Dinner may be found at www.oregonwomenlawyers.com or by calling 503.595.7826.

Queen's Bench Luncheon

Attorney General (AG) Candidate Greg Macpherson will be featured at the February 12 luncheon, 11:45 a.m.-1 p.m. at Jax Restaurant, 826 SW 2nd Ave., Portland.

Queen's Bench's first two luncheons of the year give you a chance to meet the candidates for Oregon Attorney General. Queen's Bench lunches are held on the second Tuesday. Contact Marja Selmann, 503.233.0820 or marja_selmann@comcast.net.

OCDLA Upcoming Seminars
Post-Conviction Seminar,
Friday, March 14, 9 a.m. to noon
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Search & Seizure, Evidence & Sentencing; Friday & Saturday,
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on March 14, also at Valley
River Inn, Eugene.

For programs or further
information, visit www.ocdla.org.

Willamette University College of Law

The law school will host, on campus, "Law of the Body," a one-day symposium examining the implications of medical science on legal decision-making and disputes related to the science of the body and brain. The conference will be held March 7 from 8 a.m.-4:45 p.m. For registration information, call 503.370.6186 or send an email to rcrocker@willamette.edu.

Clackamas County Bar Association Elects Officers

Peter Glazer is the 2008 President, taking over from John Foote, President in 2007. Vice President is John Lundeen; Treasurer is David Paul and Secretary is Sonya Fischer.

Pro Bono Pledge

Sign up now. Please see details on p. 11.

conflicts of interest between the class representatives and the class; and (2) the class is represented counsel competent to handle such matters.").

Comment 25 to ABA Model Rule 1.7 addresses what can be an equally important aspect of conflicts analysis - who is not included in the equation:

"When a lawyer represents or seeks to represent a class of plaintiffs or defendants in a class-action lawsuit, unnamed members of the class are ordinarily not considered to be clients of the lawyer for ... [conflict purposes]. Thus, the lawyer does not typically need to get the consent of such a person before representing a client suing the person in an unrelated matter. Similarly, a lawyer seeking to represent an opponent in a class action does not typically need the consent of an unnamed member of the class whom the lawyer represents in an unrelated matter."

Settlement

As with conflicts, the comments to the ABA Model Rules rely principally on the procedural safeguards built into the class actions rules to ensure that clients are adequately protected in settlements. In particular, Comment 13 to ABA Model

Rule 1.8 notes that class action settlements are not measured by the Model Rule 1.8(g)'s aggregate settlement standards in light of the alternative procedural protections afforded by the class action rules:

"Lawyers representing a class of plaintiffs or defendants ... may not have a full client-lawyer relationship with each member of the class; nevertheless, such lawyers must comply with applicable rules regulating notification of class members and other procedural requirements designed to ensure adequate protection of the entire class."

Summing Up

Class actions are a unique procedural vehicle. The ABA comments and ethics opinions in this setting mirror their uniqueness by relying heavily on their procedural counterparts to craft solutions that are both ethical and practical.

Mark Fucile of Fucile & Reising LLP handles professional responsibility, regulatory and attorney-client privilege matters and law firm related litigation for lawyers, law firms and legal departments throughout the Northwest. His telephone and email are 503.224.4895 and Mark@frllp.com.

Bob Hirshon: There is Life after Law

By Kennedy Smith, Multnomah Bar Association.



Bob Hirshon

When Bob Hirshon, former president of the ABA, was asked to chair the ABA's Second Season of Service Commission, he knew what he was in for.

Hirshon, who'd just spent four years as CEO of Tonkon Torp and decades practicing in Portland, Maine, previous to that, last year moved to the COO position at Stoel Rives, so he knows about career change.

ABA's Second Season of Service is a group formed to study what happens as attorneys reach the later stages of their careers.

"They don't all want to retire because retirement means not working," Hirshon says. "The baby boomer generation is still

very active. Many want to continue practicing law in some form, either for income or enjoyment. Some wish to start their own firms or serve the public through pro bono work. Whatever the case, they don't want to hang up their hats."

As the baby boomer generation transitions to retirement age, the exodus could represent the single-largest transformation of a workforce in modern times. That's why the ABA established the Second Season of Service group – to help its members who wish to continue practicing law, as a continuing form of income but with a new career pathway, as a form of public service or pro bono public work, or in some combination of the two.

"Second Season is a direct result of baby boomers leaving," he points out. "They're young enough to be doing something. But what do you want to do after law? I am an example. I practiced in Portland, Maine and now I'm in Portland, Oregon."

The idea of serving on Second Season of Service intrigued him. It conjured ideas from a book he'd recently read, "Bowling Alone: The Collapse and Revival of American Community" by Robert D. Putnam.

"It pointed out that we have more people bowling in the US than ever before, but fewer leagues," he

says. "Why? Generational issues. The connectivity isn't there like it used to be."

The baby boomer generation, he says, has control of private practice law. "We are the generation that runs law firms. Then there are generations X and Y. The real challenge is to work with all of them and figure out how they work best together."

Law firms throughout the US are operating with these four generations, trying to work together. They all have different life experiences, expectations and demands, he says. And the better firms can learn what makes everyone tick, the better off they'll be.

"You talk to young associates about what we have in common and figure out what is driving them as opposed to

Continued on page 6

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Bob Hirshon

Continued from page 5

older generations," he says. "The generation that preceded me went into law not because of wealth. I didn't view it as a way to become wealthy. I graduated with \$3,000 in debt – it wasn't an issue. I had choices. Now, career choices are being shaped by debt load."

And that's just one consideration the Second Season of Service studies.

Second Season of Service also offers a host of resources, such as volunteer opportunities, resources for retiring attorneys, articles on subjects such as dealing with the death of a solo practitioner and lawyer transition in large firms, as well as a library of articles from around the nation about lawyers and the boomer generation.

The perception that many older-generation lawyers have is that young lawyers are lazy. That's a myth, says Hirshon. "Life isn't as difficult for them, and one of the reasons is our fault. My kids had an easier life than I did; and the reason they enjoyed it is because we, as parents, gave them that. The result is that we've developed our own set of values."

Regarding a switch of careers after so many years in law, he knows how daunting the task can be.

"I'd be deceiving myself if I didn't admit anxiety," he says. "But the ABA helped me realize the difference one human being can make. I'm a great believer in the difference of one. You have one life. You could work, retire and go on, but it seems to me like there's more."

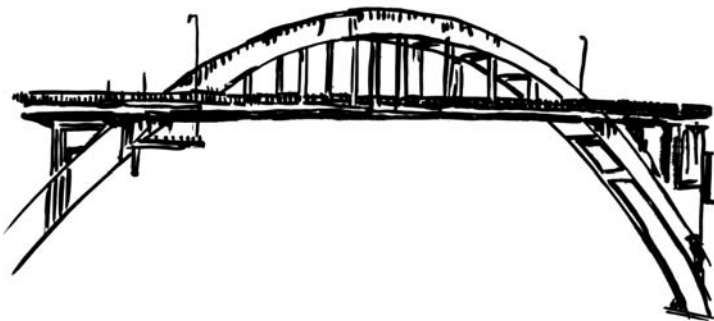
And it's more than just golf, not that he knocks golf, he laughs. "I'll get there too."

Over the next decade, as many as 40,000 lawyers a year will retire,

consider retiring or significantly alter their work environment, according to the ABA.

"You have a lot more power over your life than you think," he advises older lawyers. "This is a time when you practice living. Seize the moment and push into that zone of discomfort. It's very hard to do, and I know so many more people who could do it if they could mentally get themselves in that space. I see people underestimating themselves, but they need to take that leap."

Oregon City Bridge, 1922



"Your problem is to bridge the gap which exists between where you are now and the goal you intend to reach."

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AROUND THE BAR

LUELLA NELSON

At the end of October, **Luella Nelson** traveled to Beijing at the request of the Federal Mediation and Conciliation Service and the Chinese Ministry of Personnel, to conduct a two-day symposium on arbitration for Chinese personnel arbitrators. This was one of a series of cooperative activities between the two countries under a two-year Letter of Understanding, intended to promote mutual understanding and expertise in alternative methods of personnel dispute resolution and personnel conflict prevention.

Nelson is a full-time arbitrator and mediator, concentrating on labor and employment disputes.



Billie J. Eidson

BILLIE J. EIDSON

Billie J. Eidson announces the opening of her new solo practice. Her practice is devoted to the litigation of civil rights violations, serious personal injury claims, wrongful death actions, child and adult sex abuse claims and employment matters in both state and federal court. She is welcoming new clients in her offices at 1450 Standard Plaza, 1100 SW 6th Ave., Portland OR 97024. Contact her by phone at 503.546.2525; fax 503.218.5400; email billie@billiejedsonpc.com; www.billiejedsonpc.com.



J. Matthew Donohue



Kristin Hazard Hamilton



Stacy R. Owen

MARKOWITZ HERBOLD GLADE & MEHLHAF

J. Matthew Donohue has become a shareholder with the firm. As a shareholder, Donohue will continue to concentrate his practice in the area of complex commercial litigation.

Kristin Hazard Hamilton

joined the firm as an associate. Hamilton's practice will focus on complex business litigation, with an emphasis on motion practice, legal analysis and brief writing.

Stacy R. Owen was hired as an associate. Owen brings substantial experience in legislative policy, litigation and business law. She will concentrate her practice on complex commercial litigation, drawing on her diverse experience in areas such as public utilities, corporate formation, tax-exempt organizations, employment law, unemployment insurance, property tax foreclosure, statutory interpretation and constitutional law.

BOB UDZIELA

Bob Udziela relocated to downtown Portland, at 1515 SW 5th Ave. Ste. 808, Portland OR 97201, phone 503.972.7604, email rkudziela@comcast.net. His practice areas include appeals, research and writing, trial support. He has 30 years of experience.



Robert D. Van Brocklin

STOEL RIVES

Robert D. Van Brocklin was recently selected as the firm's new managing partner. As managing partner, Van Brocklin will become the firm's chief executive officer and oversee the management of the firm, consisting of 11 offices in seven states, and the implementation of the firm's strategic plan.

Van Brocklin, who grew up in Oregon, has been with the firm

since 1986, first in Washington, DC, and since 1990, in Portland. He is the leader of Stoel Rives' Resources, Development and Environment practice group and his law practice includes assisting clients on land use, energy development and legislative and administrative law matters. Van Brocklin was instrumental in the recent opening of Stoel Rives' Minneapolis office, expanding the firm's renewable energy practice.

Barbara Brainard, a principal in the firm, is the newest board member of Resource Media, a nonprofit communications shop dedicated to the environment.

Brainard focuses her practice on employment litigation and counsels employers on all aspects of employment law disputes.

Victor Kisch, a firm partner, was inducted as a fellow in the College of Labor and Employment Lawyers, an organization established to foster excellence in the efforts of labor and employment law attorneys. Election as a fellow is the highest recognition by colleagues of sustained outstanding performance in the field of labor and employment law.

Kisch is also chair of the Labor and Employment Group, which includes about 40 attorneys in five states.

For the third consecutive year, Stoel Rives was designated the Most Admired Professional Services Firm in Oregon, according to a survey conducted by the *Portland Business Journal*.



Rick Glick

DAVIS WRIGHT TREMAINE **Rick Glick** is the newly-elected president of The American College of Environmental Lawyers, which officially incorporated as a professional association with the goal of bringing together lawyers distinguished by their experience and high standards in the practice of environmental law.

SOKOL & ANUTA **Larry N. Sokol** and **Karl G. Anuta** announced the dissolution of Sokol & Anuta, PC. Both wish the other all the best and both plan to continue to practice law as friends and professional colleagues.

Sokol may be reached at Sokol & Associates, PC, 735 SW 1st Ave, Portland OR 97204, phone 503.228.6469.

Anuta may be reached at Law Office of Karl G. Anuta, PC, 735 SW 1st Ave, Portland OR 97204, phone 503.827.0320.



Peter McKittrick



Dean Sandow

FARLEIGH WITT

Peter McKittrick renewed his certification as a Business Bankruptcy Specialist through the American Board of Certification (ABC). McKittrick has been certified since 2002, when he passed a rigorous examination to become certified in business bankruptcy law. ABC is a nonprofit organization sponsored by the American Bankruptcy Institute and accredited by the ABA.

Dean Sandow was elected President and Managing Shareholder. Prior to his election as president, Sandow served on the firm's Executive Committee and will continue to serve on the management committee with Brian Witt, David Ludwig and Tara Schleicher. He assumed the role of president and managing shareholder from **Valerie Tomasi**, who served for seven years.



Aaron R. Harmon

BALL JANIK **Aaron R. Harmon** joined the firm's real estate practice area.

Governor Ted Kulongoski appointed **Rick J. Stone**, a



Rick J. Stone

partner and senior trial lawyer at the firm, to the Oregon Public Health Advisory Board for a two-year term. Active in public service, Stone was a top aide at the Pentagon and the Energy Department for President Jimmy Carter, and directed the Police Commission's study of the city's emergency response to the 1992 civil disturbance in Los Angeles.

POWERS, MCCULLOCH & BENNETT

The firm moved to a new location within the Wells Fargo Center, 1300 SW 5th Ave Ste 1720, Portland OR 97201. The telephone and fax numbers remain the same, as well as the firm's Web site: www.pmlaw.com.

Corey B. Tolliver was hired as an associate.



Caroline Guest

SCHWABE WILLIAMSON & WYATT

Caroline Guest, a shareholder, was elected to the board of directors of Morrison Child and Family Services, which provides social, mental health and educational services to families.

Guest focuses her practice in employment law and litigation.

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

Tips from the Bench

By Judge John A. Wittmayer, Multnomah County Circuit Court.

The Record

I have written on this subject before, but difficulties continue for lawyers in producing a useful record. As you know, almost all the live court reporters have been replaced by electronic, digital recording. With no person taking everything down, many things can go amiss. Although the clerk in the courtroom operates the electronic recording equipment to make the record, it is the responsibility of each lawyer, for the benefit of his/her client, to make sure you have the record you need. You should keep in mind the following issues with electronic recording in the courtroom:

- You must pay the hearing fee if you want your matter to be on the record. Even if you do not pay, many judges have the electronic record made, in which case the clerk codes the recording to indicate you have not paid, and it is for use of the court only. Thereafter, it is very difficult for you to obtain a copy to be transcribed. It takes a motion and order from the presiding judge to allow you to pay the fee after the hearing so you can get a transcript made. And these requests are frequently denied.
- At the start of each hearing, every lawyer should state and spell his/her name on the record. Although the judge certainly may know you and know your name, you are "telling" the record, not just the judge, your name. And the point of spelling your name is so that a transcriptionist will later recognize your voice on the electronic recording so your statements can be accurately be attributed to you.



- As you wander away from the microphone on counsel table during a trial or hearing, your voice might not be picked up by the electronic recording equipment. And when you have your witness step from the witness stand to use the easel in the well of the courtroom, the witness' voice may also not be picked up by the equipment. Every courtroom is different in this regard - ask the clerk how it works in each courtroom.

Changes in our Court

As the saying goes, the only constant is change. Judge Ronald Cinniger retired on December 31, 2007, and Governor Kulongoski has appointed Stephen Bushong to replace him. Judge Bushong comes to us from the Oregon Department of Justice, where most recently he was Chief Trial Counsel, in charge of the Trial Division. And on January 1, Presiding Judge Dale Koch finished his last term as presiding judge, after almost six years in that position. The bar and the bench in this county owe a great deal to Judge Koch for his fine leadership as presiding judge. The new presiding judge is Judge Jean Kerr Maurer.



By Bear Wilner-Nugent, Metro Public Defenders and Court Liaison Committee member.

Presiding Judge's Report

- Judge Maurer reported that notwithstanding the committee's previous discussion of the judicial appointment process that was to have begun upon Judge Cinniger's retirement, Governor Kulongoski appointed Steve Bushong to that position. Bushong was on the MBA's list of highly qualified judicial candidates. He worked for the Oregon Department of Justice as trial counsel in complex civil litigation, among other areas.
- Judge Maurer reported that the Board of County Commissioners approved funds for a tunnel from the Multnomah County Detention Center running east under Second and First Avenues and through the basement foundation of the new building going up at Two Main Place. The tunnel is to facilitate prisoner transport to the site selected by the commissioners for the eventual new courthouse at the western bridgehead of the Hawthorne Bridge.
- Judge Maurer announced that in a couple of months, the court will put the list of court-annexed mediators on its Web site. There will be an application on the Web site, and review and approval of applications by the mediation commission chaired by Judge LaMar. Three classes of mediation will be considered: general, family law and family law with financial certificate (for high-asset dissolutions and ones involving property). In addition to the upcoming lists of mediators, some judges do settlement conferences, depending on the amount of time other court business allows, but there is no set list.
- Doug Bray brought copies of an order by Chief Justice De Muniz setting statutory fees for filing motions and responses effective February 1, thereby implementing the discretion given the Chief Justice by HB 2331 (2007

Or Laws c. 860). [Update: The Chief Justice postponed the implementation date to April 1. Please go to www.mbabar.org for more information.] These motion and response fees do not replace the hearing recording fee or any other fee. Filing a reply to a response will be free.

- Doug announced that new courtroom locations for judges in the Multnomah County Courthouse (nine judges changed courtrooms on the weekend of January 5) are on the court Web site, along with 2008 Supplementary Local Rules. The information may also be found on the MBA Courts page at www.mbabar.org.
- Doug informed the committee that the legislative Interim Committee on Court Technology, on December 17, 2007, made a recommendation to the Joint Ways and Means Committee for the 2008 February Special Session approving the Chief Justice's plan for the implementing Web-based e-filing, electronic document management and a new circuit court case management system for the Oregon Judicial Department. The plan proposes funding this system's start-up by issuing State of Oregon Certificates of Participation (debt instruments secured by state assets). The MBA Board may be asked for its support on this request in the February 2008 legislative session.

Old Business:

Web site update

Judy Edwards reported that Kennedy Smith, the MBA's newest employee, is working with Carol on new content for the Web site. They have new Web site software which will allow more people on staff to work on the site. The overall aim of the Courts page is to provide information to MBA members that they want.

Courthouse relocation update

The MBA has hired Conkling Fiskum McCormick to conduct

polling to assess support for a bond measure to build a new courthouse. The MBA decided to do polling now rather than later. Conkling will create a strategic plan for a successful bond measure, as well as work on other ways to generate support for the new courthouse. Portland Business Alliance discusses the courthouse in their meetings with County Chair Ted Wheeler. Also, County Commissioner Lisa Naito has hired attorney Mark Pengilly as a half-time member of her staff, dedicating 100% of his time to issues regarding the courthouse and its replacement.

Bar Liaison Reports

Clackamas County

Kathryn Villa-Smith reported that there is a new fee schedule in place. If you don't pay fees in Clackamas County, clerks will call you with a reminder to get them in within the next week. Filings aren't rejected for nonpayment of fees. Motions in Clackamas County are set on a motion docket. If you request that in pleading, it will go there. Any other documents should be sent to the clerk's office, who will send them to the appropriate judge.

Washington County

Dawn LaGrone reported that former Metropolitan Public Defender County Director Keith Rogers is the new judge, starting on a general docket as soon as possible. There are no other changes to report. The presiding judge recently gave a State of the Court address at Rock Creek Country Club.

County coordination

Todd Van Rysselberghe reported that he and Mike Lewton were exploring the possibility of coordinating among the Multnomah, Washington and Clackamas County courts in order to deal with scheduling conflicts, particularly those involving date-certain trials. The efforts are in progress and it is "Mike's baby."

Renew your MBA membership today

MBA bylaws require that members **renew their membership by March 1** or be removed from the MBA roster. To continue to receive the range of benefits the MBA provides, simply renew online at www.mbabar.org.

Member benefits include: excellent, affordable and convenient CLE seminars; social events and committees that provide rewarding networking opportunities; group health, life and disability insurance plans; member discounts from LexisNexis, Legal Northwest Staffing Specialists, The Naegeli Reporting Corporation, Kimpton Hotels, Bank of America MasterCard, Bank of the Cascades, Office Depot, ABA Publications, Portland Opera and Oregon Ballet Theater.

If you have questions, please call Kennedy Smith at 503.222.3275 or visit www.mbabar.org.

Profile - Gregory Silver, Multnomah County Circuit Court Referee

By Bear Wilner-Nugent, Metropolitan Public Defender and Court Liaison Committee member.

Greg Silver may have spent a comparatively brief time in Multnomah County legal circles before being named a judge pro tem and hired as a circuit court referee. But his life experience is broad and deep and his resume in public service anything but skimpy.

Silver began his career far away from both Oregon and the bar, though he long maintained an interest in eventually studying law. Following his undergraduate education at Penn State University (he is unabashed in his continuing passion for the Nittany Lions), he spent 17 years working in communications. For three and a half years, Silver worked in commercial radio as a DJ and program director at two different stations. Following that, he spent six years in TV production, mostly for Penn State's public television station, but also doing some freelance sports work for ESPN and CBS.

He next served his alma mater in a new role, producing educational radio and video programs for Penn State's College of Agricultural Sciences. From there, he became the Assistant for Communications to the college's dean. In that

capacity, he assisted in Penn State's lobbying, taking groups of Pennsylvanians to Harrisburg and Washington, DC to speak with their legislators about issues concerning the school's agricultural interests and funding. He also produced and directed the Penn State Football Radio Network each fall for six seasons.

In 1990, a natural time for Judge Silver to make a transition in his life arose, and he devoted himself to legal studies, obtaining his JD cum laude from the University of Pittsburgh. After passing the Pennsylvania bar exam, he worked for a corporate/commercial firm in Pittsburgh for three years, practicing in both state and federal courts.

The year 1997 brought a number of additional changes for Silver. He moved to Oregon to make a new start outside the for-profit sector, and he also began his process of recovery from the disease of alcoholism. As is the case for many professionals, he says that it was difficult to admit he had a problem - he always had a job, he always had a family and he was never in trouble with the law or the bar.

Silver, who has worked with a number of other lawyers through the Oregon Attorney Assistance Program over the years, says that for professionals, the stigma associated with confronting one's addiction is often alleviated by the realization that it is a disease, not a moral failing. In 2007 he and his wife, Dale, a former Navy nurse whom he met in recovery, each celebrated 10 years of sobriety and eight years of marriage.

After resettling in Oregon, Silver became a law clerk to Multnomah County Judge Nely Johnson, which gave him a chance to meet many people in the Portland legal community. He was sworn in as a member of the OSB in 2000. Soon thereafter, he completed his clerkship and joined the Metropolitan Public Defender's Multnomah County Office.

At MPD, Silver honed his trial skills, taking on hundreds of misdemeanor and felony cases. He ultimately served as one of the office's chief attorneys, supervising first the misdemeanor section and then the section dealing with drug, property and traffic felonies. He relates that his time with MPD was gratifying because he was able to

help so many individuals navigate the criminal justice system. During this time, he also gave generously of himself, not only in the recovery community, but also as a volunteer for the MBA and court committees, one of which established the county's pioneering domestic violence court.

When a pair of vacancies opened in the referee ranks, Silver went through the long and complicated application and interview process. This culminated in his appointment to preside over a busy and varied docket of FED, violations, traffic, parking and small claims trials. Silver is currently sitting in the Gresham court. It is easy to see that he enjoys his new role in the justice system.

The best advice for a lawyer appearing in front of Silver is really the best advice for any lawyer appearing in front of any judge: be prepared to concisely state the central issues and your position on them. Be aware that he usually gets his case files the day of the hearing or trial, not before. That being said, and although no one in traffic court is going to prison for life (unlike the



Judge Gregory Silver

potential fate that awaited some of Silver's clients at MPD), he says that if someone feels strongly enough about a case to take it to trial before a judge, that person deserves a fair and considered hearing on the issues the court is being asked to resolve.

For now, Silver is not sitting in the Justice Center, to spare the difficulties associated with arraigning recent former clients who may find themselves once again in criminal court. That will change with the passage of a little more time. Meanwhile, he appreciates seeing some of his ex-clients in another context: Now and again, former clients will stop in to give him an update on how their own journey through recovery and restitution is going. For Silver, knowing that he helped get their lives back on track makes his day.

MBA WinterSmash 2008 Benefits Multnomah CourtCare

By MBA Fun Committee Members.

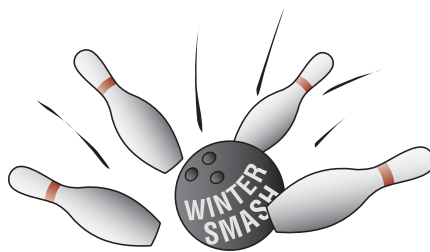
The Sixth Annual WinterSmash is scheduled for Saturday, February 23 from 6-9 p.m. at AMF 20th Century Lanes (3550 SE 92nd Ave. in Portland).

Lanes will be available for MBA members and their friends, colleagues and families, for an evening of fun and food. Bumper lanes will be set up for children. The event serves as the kickoff of fundraising efforts for Multnomah CourtCare. We thank Harrang Long Gary Rudnick for sponsoring the food and beverages.

CourtCare is a collaborative project between the Volunteers of America Oregon (VOA), the MBA, the Multnomah Bar Foundation, the Oregon Judicial Department and Multnomah County. It aims to provide a compassionate way to protect young children from unpleasant courtroom situations.

Come enjoy the company of your colleagues, eat some good food, play a game you know you love and support a good cause. Tickets are \$35 for adults and \$10 for kids 3-12 years old. Price includes food, drink, shoes, balls and lane time. Prizes will be awarded for the highest individual score, the lowest individual score, the group with

the most participants in attendance and the group with the best bowling shirt. In addition, a trophy will be presented to the group with the highest team score (computed based on top three scores, with only one score from each player counting). Raffle tickets will be for sale. The event promises to be a good time; don't miss this opportunity! Register via the insert in this issue of the *Multnomah Lawyer*.



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Renewing Your Membership? Don't Forget VLP....

The MBA thanks the following members, who gave more than the \$20 "check off" suggested donation to the Volunteer Lawyers Project (VLP).

Please remember to look for the check off box on your membership renewal form, and be as generous as possible when donating to VLP.

Larry Amburgey
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10 Questions for the Qualified

The goal of this YLS series is to provide a forum in which experienced and highly-regarded attorneys provide some practical advice about the practice of law, as well as a little insight into their own personalities and interests outside of the workplace. These stars of the legal community teach us how to avoid common mistakes and mold our practice in order to become the attorneys we want to be.

This month, we are excited to feature Albert Menashe. Albert just finished a year as President of the OSB, and he previously served as the President of the MBA. Albert earned his B.A. from the University of Oregon (Phi Beta Kappa) and his J.D. from Willamette University College of Law (where he served as Editor-in-Chief of the Willamette Law Journal). He is the Managing Shareholder of Gevurtz Menashe, a Fellow in the American Academy of Matrimonial Lawyers, and he has been recognized as one of the Top 50 Lawyers in Oregon by Super Lawyer magazine.

Q. Knowing what you know now, if you could go back in time to the first year of your legal career and give yourself some advice, what would it be?

A. I would encourage young lawyers not to masquerade their lack of experience or knowledge. Sometimes it comes out in the form of unnecessary bravado. I encourage young lawyers to ask more questions when you don't know what you are doing based on lack of experience. My experience in hindsight is that lawyers on the other side of cases are more understanding and helpful if you acknowledge your lack of experience and ask good questions.

Q. What is the most common mistake that you see young attorneys make?

A. I see two common mistakes made by young lawyers. The first is that they think they can "do it all." By that I mean they think they can be great spouses or partners, great parents and great lawyers. It is very difficult to be great at all three. We simply don't have enough time to do so. So, you need to allocate your time. You have to prioritize your values. I think you can do any two of the three (spouse/partner, parent, or lawyer) well ... but it is very difficult to do all three well.

The other mistake is that young lawyers fail to acknowledge to themselves and others that they don't know the answer to a question and get themselves into trouble by not asking questions of the right resources. This is especially true in law firms where associates feel too insecure to tell a senior partner they don't know the answer to a question. Trust me, it is much better to admit you don't know and will research the right answer than to give a "bum" answer or blow smoke at a partner.

Q. What was your best day as an attorney (highlight of your legal career)?

A. I have been fortunate to have many "best days." Two of them are the days I was elected President of the MBA and the OSB. The very best day, though, was when my son surprised me by indicating

he would rather work in our firm than a very large, local firm. His decision took me totally off guard and was one of the best days ever! I am pleased that he has adapted to family law and is doing great.

Q. What was your worst?

A. The worst day I had was many years ago when a fellow family law lawyer was shot and killed at a hearing at the Multnomah County Courthouse. I was not in the courthouse at that time, but had the next scheduled hearing in that courtroom. In addition to feeling the pain of the death of a colleague, it helped me understand very clearly how difficult the practice of family law can be. This incident, while being my worst, had a silver lining in making me understand the importance of maintaining professionalism and diffusing the emotion in divorce cases.

Q. What changes do you see happening to the practice of law over the next 10 years?

A. I don't have a crystal ball, but there are several obvious changes. The first is increasing professionalism among lawyers, which will result in greater job satisfaction. Second, young lawyers will not be trying as many cases as more seasoned lawyers due to the various forms of alternative dispute resolution. I think that a byproduct of professionalism will be an enhanced public image of lawyers. Obviously, technology is going to have a big role in information gathering and dissemination.

Q. What are your hobbies outside of work?

A. I am passionate about wine. I travel to various parts of the wine-making world to learn about wine. I read as much as I can about wine and I have been collecting it for over 20 years.

I also love the Oregon Coast and have a home there which serves as a refuge on weekends. I think it is important for lawyers to have healthy outlets to reduce the stress in their lives. The beach serves that purpose for me. It is also a wonderful gathering place for family, which is my most important "hobby."

Q. What advice would you give to a young attorney who would like to eventually end up in your position?

A. Success takes time. Unless you buy a lucky, winning lottery ticket, there is no way to succeed overnight. Climbing the ladder of success will take years of hard work and diligent effort. In addition, you need to be patient, be consistent, be involved and be dedicated. Get involved only in those groups and organizations in which you have an interest. And after a reasonable length of time, you will have increased business, increased income and increased stature in the legal community, as well as your local community.

Q. What is your favorite book, and what are you currently reading?

A. Based on my interests, my favorite books are related to wine and travel. I don't have an individual favorite. You didn't



Albert Menashe

ask, but my two favorite movies are *When Harry Met Sally* and *It's a Wonderful Life*. I'm currently reading *Charlie Wilson's War*.

Q. Tell me about one of your mentors.

A. One of my primary mentors was Eric C. Lindauer. I clerked for Eric and his firm during all three years of law school. The firm was then known as Clark, Marsh & Lindauer. Individually, each of the lawyers in that firm was top notch! Collectively, they were as good as any law firm anywhere. Eric was quite special. He was a model lawyer, community activist, father, son, pro bono lawyer and charitable volunteer. He is one of the few people I ever met who was able to do a good job at everything he touched. He did it all with care, ethics and professionalism. Eric was always generous in taking time to teach me how to do things and when I made a mistake, he corrected me in a positive way and was never judgmental. I am pleased to consider him a good friend, almost 35 years later. When Ron Gevurtz and I started our law firm in 1982, we patterned ourselves in many ways after Eric's firm.

Q. If you could change one thing about yourself, what would it be?

A. Learning how to say "No." I have always felt so fortunate to have been able to obtain a good education enabling me to practice law that I have felt a strong need to give back to the bar and my community. I have a hard time saying "no" to anyone needing help and have been a total sucker for causes involving children.

While I do not regret any of the groups, activities and organizations I have had the privilege to work with, it has consumed a great portion of my free time. In an effort to bring things more into balance, I have set a goal in 2008 to occasionally say "no." While it is a goal and I am working on it, I am not yet very successful. There is an old saying that if you want something done ... go to the busiest people. They are generally the most organized and effective. I suspect that while this is a blessing, everyone needs to find balance in life.

If you would like to nominate someone to be featured in this series, please email Andrew Schpak at aschpak@barran.com.



YLS Membership Social

On December 13, the YLS held its annual Holiday Drop-in Social and toy drive at JAX Restaurant and Bar. Toys were collected for the US Marine Corps "Toys for Tots" program. The program has been helping children during the holidays since 1947 and all donated toys stay in the local community. Thanks to the overwhelming generosity of MBA law firms and individual members, many local families experienced the joy of the holiday season with the gift of toys for their children.



Young lawyers at the Holiday Drop-in Social

MBA Young Lawyers section Law student open house

The MBA YLS is holding an Open House for law students on February 8 from 5:30 – 7 p.m. The event is hosted by Tonkon Torp (888 SW 5th Ave, Portland).

The Open House will take place in the firm's main reception area on the 16th floor of Pioneer Tower. All attendees should sign in at the security desk on the main floor of Pioneer Tower to obtain access to the 16th floor.

Students from all three of Oregon's law schools and members of the YLS are invited to this event. Please join us on February 8 to socialize, network and discuss the practice of law with students from Oregon's law schools.

Productivity Multipliers: Effective Delegation Skills

By Paul Burton, Vision Mechanix.

All lawyers delegate work. Be it to an assistant, paralegal or another attorney, leveraging others' skill sets through delegation is a critical path-management tool for lawyers. Getting the right work to the right people who have enough time is the key to the efficient and effective completion of projects.

Yet many lawyers are poor delegators of work. Why that is and ways to improve your delegation skills follow.

Delegation Roadblocks

There are numerous reasons lawyers don't delegate work or don't delegate it well, including:

Individualists

Lawyers are individualists and don't tend to play well with others. They focus and rely on their own efforts

to succeed. Delegation requires the acceptance of a team environment and lawyers just aren't accustomed to that way of thinking.

Fear

Lawyers fear delegation because (a) it questions their value if another can do the work, and (b) the delegator is exposed to negative consequences if the delegatee fails to accomplish the work properly. As for (a), your own worth is tied to your work product, not the stack of work on your desk. As for (b), the process detailed below will minimize the risk of failure.

Financial

Lawyers believe that if they give away the work, their compensation will be adversely affected. The

Continued on page 11

MBA Backs a Pro Bono Initiative with Contribution to VLP

By Scott Howard, Kivel & Howard, MBA Board Secretary and Pro Bono Task Force Chair.

Access to justice is a core value of the MBA. To address this core value, the MBA announced its 2008 Pro Bono Initiative, "Take a Matter That Matters." The purpose of the initiative is to dramatically increase access to justice by reminding attorneys that by giving a relatively small amount of time, a significant contribution can be made to our community and

people's lives. Information about the 2008 initiative can be found at www.mbabar.org/MBA_Pro_Bono.htm.

Furthering its commitment to access to justice, the Directors of the MBA made a contribution of \$25,000 to the Campaign for Equal Justice. This contribution was earmarked to support the

coordination of pro bono services in Multnomah County through the Volunteer Lawyers Project. It will help provide necessary additional staffing for this new initiative.

Please take time to "Take a Matter That Matters."

MULTNOMAH BAR ASSOCIATION
Pro Bono Pledge
Take a matter that matters

Productivity Multipliers

Continued from page 10

reality is that leveraging the skills of others allows the delegator to engage in other value-added activities, including higher value work, business development, etc.

Inexperience

As mentioned above, lawyers lack experience when it comes to delegating properly. Experience comes from doing, so we'll focus on that.

Delegation Framework

Here are some methods to improve your delegation skills.

Organize your work

You can't possibly delegate work effectively or efficiently if you don't have your own house in order. The "messy desk is a sign of a great mind" cliché is just that – a cliché. This article doesn't address professional hygiene, but there are numerous resources available to those who need this assistance. The bottom line is: Get Organized!

What can be delegated?

Determine what components or projects can be delegated. Factors in this decision include skill set(s) required to accomplish tasks, interest or challenge in the work and best use of available personnel. For example, a routine filing can be delegated, as can an ancillary deposition, but a key merger negotiation cannot.

To whom can it be delegated?

Staff members can handle repetitive, easily completed tasks. Associates can handle more substantive work, provided the requisite skills have been developed. Advanced lawyers should handle less defined elements

of a project and those that require application of more advanced critical thinking skills. Note: One factor to consider is the need to bring newer people along, so make sure everyone is challenged a little.

Define the project deliverables and deadlines

One of the worst mistakes delegating attorneys make is to ineffectively define what is expected from the delegatee. What may seem obvious to you is not so obvious to a less experienced individual. The same holds true for deadlines. It's likely that you weren't always able to draft a complex complaint in only two billable hours. Less experienced people need more time to become efficient. Give them specific and reasonable guidance on your expectations.

Estimate the time the delegated task should take

Providing the delegates an estimate of how long a task should take sets parameters around the task and provides them a yardstick to use while doing the work.

Align your attitude/expectations

This goes hand-in-hand with the last two points. Remember, it's almost always more efficient for you to simply do the work yourself. However, there are only so many billable hours in the day. Aligning your expectations with the work and the person to whom you're delegating it will return a much better result for you both.

Schedule enough time to meet

The better you explain the work, its background and your expectations the first time, the fewer

mistakes will be made and the less repetition will occur. If your delegates walk out of your office with a sound understanding of the task(s), the better able they are to complete it without further assistance from you.

Delegate ownership

Don't have your delegates come back at every step. Let them know that you want them to make decisions on their own. If they truly have a question they can't figure out, you can always assist them, but challenge them to work through the problem on their own.

Obtain feedback for confirmation

When discussing the project, make sure you're getting feedback that confirms delegates understand what you're saying. Similarly, repeat to them what you're hearing to ensure you understand what they're saying.

Engage in progress updates

Make time to check in on the progress of the project. This is especially true if the project is more involved. Just confirming for the delegates that you're interested in their progress will (a) give them a greater sense of pride in the work and (b) provide ample opportunity to facilitate the work being performed.

Debrief if appropriate

It's always a good idea to debrief with the person you assigned work to if the project merits it. What went well? What could have gone better? These are opportune moments to greatly improve both the work product and the working relationship.

Like all skills, practice makes perfect. Though the list of steps above seems long, the steps are logically interconnected and flow easily once you acclimate yourself to the process. Improving your delegation skills will greatly improve your own practice and those of the people with whom you work.

Paul Burton is a former corporate finance attorney with an extensive background in professional and organizational development. His firm, Vision Mechanix, works exclusively with lawyers and law firms, providing clients training and consulting in the areas of business development, management skills and productivity. He may be reached at paul@visionmechanix.com. © 2006 Vision Mechanix, LLC

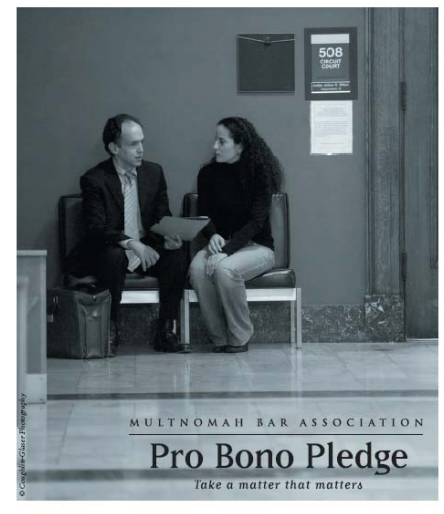
PRO BONO VOLUNTEERS

Thanks to the following lawyers, who recently donated their pro bono services via the Volunteer Lawyers Project, the Senior Law Project, Community Development Law Center, law firm clinics, the Oregon Law Center, the Nonprofit Project, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark's Small Business Legal Clinic and Attorneys for Youth. To learn more about pro bono opportunities in Multnomah County, check out the Pro Bono Opportunities in Oregon handbook, available at www.mbabar.org/docs/ProBonoGuide.pdf.

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DAVID I. BEAN

has become a partner with the firm as of
January 1, 2008. David currently serves as
President of the Board of Directors of the
Multnomah Bar Association Young Lawyers Section.

LESLIE M. JORDON

has joined the firm as of counsel. Leslie was
previously a member of the firm of Hersh, Mannis
& Bogen, LLP, in Beverly Hills, California.
She received her J.D. from Northwestern
University School of Law (Chicago, Illinois)
in 1990, and B.A. from Brown University in 1986.

David and Leslie practice exclusively family
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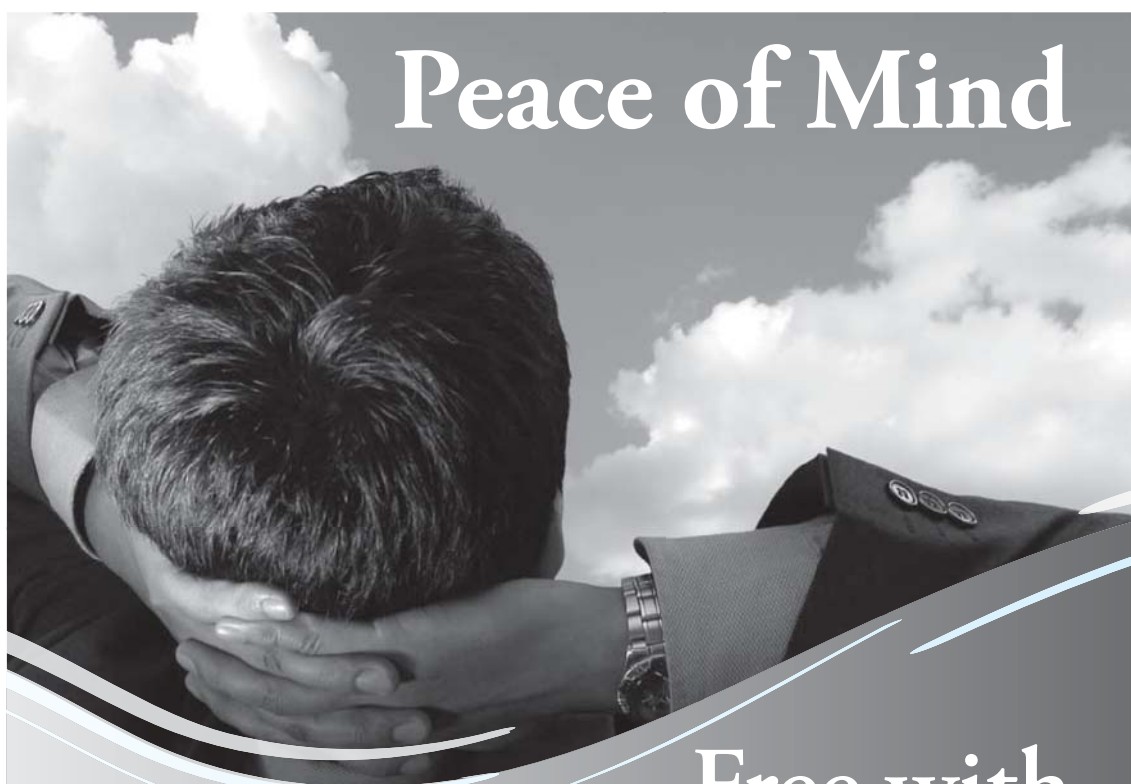
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SCHEER & ZEHNDER LLP
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John E. Zehnder, Jr.
has been named **Managing Partner!**



(Left to right: Anthony R. Scisciani III, Mark P. Scheer, John E. Zehnder, Jr., Jonathan Dirk Holt and Dennis G. Woods)

Mark P. Scheer (Managing Partner 2000-2007) handed over the reins to John on January 1, 2008. The Firm would like to thank Mark for a job well done and congratulate him for growing Scheer & Zehnder from a four attorney firm in Seattle to a dynamic group of 14 lawyers with offices in Seattle and Portland. Though Mark has relinquished his role as Managing Partner, he will not be slowing down. Mark will continue to manage and litigate cases, and otherwise dedicate himself to providing excellent customer service to the firm's clients.

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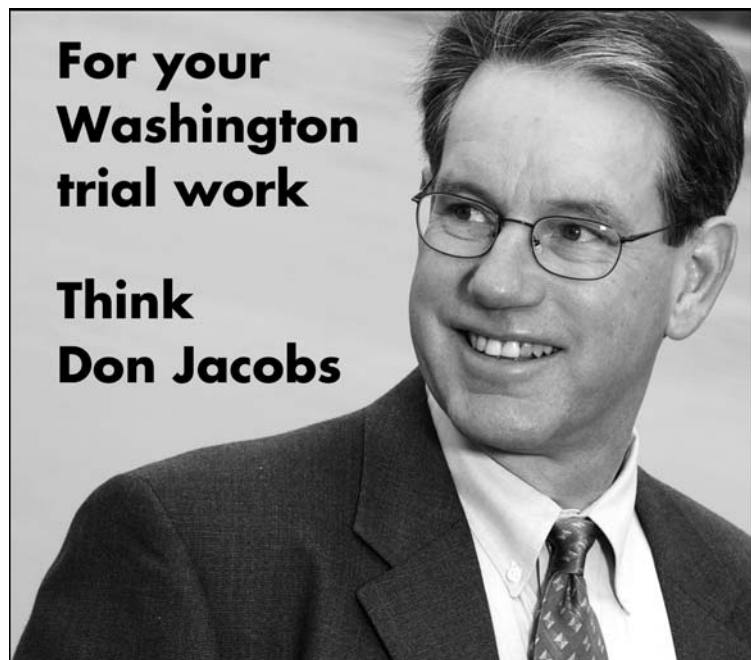
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*We are pleased
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Paul A. Raney &
Matthew C. Ellis
to our firm.*

Kell Alterman & Runstein
welcomes Paul A. Raney & Matthew C. Ellis
whose addition to our firm strengthens
the services we offer.



Paul A. Raney's practice focuses on business and estate planning. Paul joins us from Raney Law Offices. Paul graduated from the University of Virginia School of Law in 1984. Mr. Raney is admitted to practice law in Oregon and Georgia, and a member of the Estate Planning, Elder Law, Real Estate and Dispute Resolution sections of The Oregon State Bar.



Matthew C. Ellis will focus on general litigation, employment and criminal law. Mr. Ellis externed for District Court Judge Robert E. Jones and clerked for Kell Alterman while in law school. Matthew graduated from Emerson College in 1998 with honors and from Lewis & Clark Law School in May 2007. Matthew is a member of The Oregon State Bar.

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Peter's practice focuses on civil litigation, including construction, product liability, premises liability personal injury, employer liability and contract disputes.

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Ruth Beyer Takes the Helm of the Multnomah Bar Foundation



MULTNOMAH BAR FOUNDATION

Ruth Beyer has assumed the presidency of the Multnomah Bar Foundation (MBF) for 2008.

Beyer, a past MBA president, is an attorney with Stoel Rives, where she practices in mergers and acquisitions, and counsels boards of directors and senior management.

“As a prior president of the MBA board and former managing partner of Stoel Rives, Ruth provides tremendous leadership as the new president of the MBF,” says Jeffrey S. Matthews, immediate past president of the MBF. “When also considering Ruth’s native intelligence, savvy and wisdom, along with her commitment to the foundation’s mission, we have great confidence in her ability to move the foundation to the next level of growth and service to the community.”

She graduated with honors from Oregon State University (OSU) in 1977 and cum laude from Notre Dame Law School in 1980.

Among her honors and achievements are: 2006 recipient of Award of Merit from the MBA; board member of the MBF (2005-present); member of the OSB House of Delegates (2004-2007); president of the MBA (2000-2001); member of the Board of Directors of the MBA (1997-2002); trustee of the Oregon Law Foundation (2002-05); and member of the

ABA Business Law Section and OSB Business Law Section.

She is also the Chair of the Board of Trustees at Marylhurst University; a trustee of the OSU Foundation; a member of the Board of Directors of the Morrison Center; on the Board of Regents of OSU Honors College; and co-founder of the OSU Women’s Giving Circle.

The MBF welcomes Ruth as we begin an exciting year of growth and success.



Ruth Beyer

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