



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

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

April 2011 Volume 57, Number 4



Reflections on the Oregon Legal Community

By Lisa M. Umscheid, MBA Vice President.

The theme of this month's column is "Community." I have been fortunate to be a beneficiary of mentoring and advice from many members of our legal community, both those ahead of me in their careers and those just starting out. (Often, those just starting out have the most perceptive observations.) Many of these mentors are lawyers I have met while we've worked together on projects to enhance diversity in the legal profession, beginning with my work seven-plus years ago on the MBA Equality Committee.

Rather than craft my own essay about community, I thought I would turn to the many amazing women and men I have met through this work, and ask them for their views on the legal community. "What about the Oregon legal community do you like best," I asked, "and what aspect of our Oregon legal community inspires you and keeps you going?" Their answers are heartening, and a reminder that we do, truly, enjoy a legal community here worth preserving and protecting. Read on:

- "The thing I like best about the Oregon legal community is its willingness to see that it is not perfect. We are a community of lawyers who recognize we have a long way to go in the areas of diversity and access to justice and I am inspired every day to work with my colleagues to make our community and profession more inclusive."
- "What I like best about the Oregon legal community is that it is, in fact, a community rather than simply a profession. What inspires me about that community is that I am constantly coming into contact with people who see the law not just as a way to make a living, but as a way to make a difference."
- "I like the size and collegiality of the Oregon legal community. You have to be nice - you'll see each other again. I am inspired to keep working in the community to increase diversity so our citizens will feel representation from one of their own, and to educate the legal community about valid differences in the way people approach the law (i.e. to help the next generation not get the question "are you going to quit to have babies?")."
- "What I like best about our legal community is how supportive of me people have been - in mentoring me, helping me network and helping me advance in my career."
- "What inspires me about our community is that there are so many people who never cease to amaze me in how much they give back to the community, and how encouraging they are of minority attorneys."

- "What keeps me going is knowing how much support I have in the community, how many people are vested in wanting me to succeed, and me not wanting to let those people down."
- "We are small, but close-knit and extremely supportive of each other."
- "I am inspired by those people who are still doing this work, and still showing up to do the work around diversity issues and making sure that more people are succeeding and being mentored and showing compassion and teaching and being taught. It's amazing! How can I throw in the towel when so many people before me have been working so hard for me?"
- "In fact, just the other day, when I was having a particularly vexing situation, I talked to four lawyers I met and who mentored me in OLIO (Opportunities for Law in Oregon), and who were still looking out for me, still willing to pick up the phone to problem solve with me, and even to do some work for me - that was really an experience that I will carry with me throughout my career. I hope I can do that for someone else someday."

I am fortunate to have crossed paths with the lawyers who wrote these words, and the many, many other dedicated professionals who are devoted to enhancing diversity in our legal community. They work hard, they give freely of their time and talents, and as their contributions above attest, they generously reciprocate when others make their own contributions to increasing access to justice and to enhancing diversity. For me, these lawyers - and the many others like them I do not have space in this column to quote - exemplify community.

MULTNOMAH BAR ASSOCIATION Annual Meeting, Dinner and Judges Reception

Tuesday, May 17, 5 p.m.

Marriott Portland Downtown Waterfront
1401 SW Naito Parkway

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colleagues*

Professionalism Award Recipient
Michael D. Schrunk

RSVP by May 3.

Invitations have been mailed separately.

2011 MBA Membership Survey

Tell us what's important to you!

Watch for the MBA Membership Survey email announcement, which will be sent out in early April via Survey Monkey. All responses are kept confidential. We use Survey Monkey because it efficiently organizes all results. To participate, your network system must be able to receive email from Survey Monkey. If you have questions, or if you prefer to have a pdf emailed to you, please contact the MBA at 503.222.3275.

MBA CLE

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

April

Thursday, April 28
**Washington and Clackamas
County Courts Update**
Judge Robert Herndon
Judge Kirsten Thompson

May

Tuesday, May 3
The New ADA in Action
Rich Meneghello
Dennis Steinman

Wednesday, May 4
Annual Probate Update
Judge Rita Batz Cobb
Judge Katherine Tennyson
Tim McNeil

Tuesday, May 24
**Work-Life Balance Issues for
Women and Minority Lawyers**
Courtney Angeli
Keith Ketterling
Julia Markley
Bonnie Richardson
Margaret Van Valkenburg
Carolyn Walker

Wednesday, May 25
**Multnomah County Presiding
Court Update**
Presiding Judge Jean Maurer

June

Wednesday, June 8
**Valuation Disputes in
Commercial Cases**
Joseph Arellano
Susan Marmaduke
Serena Morones

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DEADLINE for copy: The 10th of the month*
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*or the preceding Friday, if on a weekend.

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Member Resource Center

Welcome to the member resource center, where you will find information of importance to members and the legal community at large.

courthouse watch

- MBA representatives continue to serve on two county committees focusing on the downtown courthouse; one is studying the courthouse needs and another is exploring funding options.
- The county contracted with SERA Architects to study the feasibility of renovating the current downtown courthouse while maintaining substantial court operations. The final oral report was presented at the combined county committee meeting on March 1. The final written report will be presented to the county commission at their meeting on April 19. Copies of the report will be available.
- The final oral report concluded that such a renovation would likely take between four and one-half to six years to complete. Work would occur between 4 p.m. and 1 a.m. and/or possibly on weekends. Seismic and security upgrades would come first, followed by phasing in of all new building and telephone systems. Construction would be done two floors at a time starting at the top, with staging on Salmon St., which would cause its closure during the renovation timeframe. The goal will be to design for contemporary courthouse standards where possible. The report indicates that certain operations would be moved out of the building during construction and some would possibly be permanently removed to other buildings. When the final report is available it will added it to the MBA Web site.

Pro Bono Opportunities

The Senior Law Project (SLP) began in 1978 to assist low income clients with civil legal issues. Attorney volunteers meet with clients at senior centers throughout Multnomah County to provide 30-minute consultations. Continuing pro bono services are provided by SLP for those who meet financial eligibility. Support for volunteer attorneys includes a monthly Elder Law Discussion Group to provide information and support. *This program is covered by PLF insurance, no independent coverage required.*

For more information, please contact Catherine Yarnes at 503.224.2166 or catherine.yarnes@lasoregon.org.

Downloadable CLE Seminars

Audio recordings of past MBA CLE seminars are available for download and use on your personal computer or MP3 device. Simply purchase online and download the audio and written materials in minutes. MCLE-accredited content includes Child Abuse Reporting, Multnomah County Judges Trial Practices and Ethics Update, among others. Visit the MBA's dedicated MCLE Web site, www.oregoncle.com for more details.

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Classified Advertising

In addition to publishing classified ads in the *Multnomah Lawyer*, the MBA posts all classifieds at www.mbabar.org. To obtain a quote, email your ad text to Carol Hawkins at carol@mbabar.org.

CALENDAR

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

April

8
Friday, May Multnomah Lawyer deadline

12
Tuesday, YLS Board meeting

Tuesday, Queens Bench Luncheon
See Announcements on p. 4 for details.

19
Tuesday, MBA Volunteer Opportunity at Schoolhouse Supplies
See details below.

20
Wednesday, Classroom Law Project Legal Citizen Dinner
Visit www.classroomlaw.org for details.

27
Wednesday, MBF Board meeting

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Thursday, MBA CLE Washington & Clackamas County Courts Update
See insert or register at www.mbabar.org.

Thursday, YLS Judges Social & CourtCare Fundraiser
See p. 10 for details.

29
Friday, Multnomah County Arbitrator Training
See insert or register at www.mbabar.org.

Friday, OGALLA Fundraiser
See Announcements on p. 4 for details.

May

2-7
Monday-Saturday, YLS Community Law Week
See p. 11 for details.

2-20
Monday-Friday, MBA CourtCare Fundraising Campaign
Visit www.mbabar.org for details.

3
Tuesday, MBA Board meeting

Tuesday, MBA CLE The New ADA in Action
See insert or register at www.mbabar.org.

Tuesday, YOUthFILM Screening at Hollywood Theatre
See p. 10 for details.

4
Wednesday, MBA CLE Annual Probate Update
See insert or register at www.mbabar.org.

10
Tuesday, June Multnomah Lawyer deadline

Tuesday, YLS Board meeting

12
Thursday, Volunteer at Transition Projects
See details on p. 8.

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Tuesday, MBA Annual Meeting & Dinner
See details on p. 1.

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MBA Lawyers & Law Students Golf Outing at Langdon Farms
See insert or register at www.mbabar.org

25
Wednesday, MBF Board meeting

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

30
Monday, Memorial Day Holiday

June

9
Thursday, MBA CLE Trial Themes
See insert or register at www.mbabar.org.

15
Wednesday, YLS Volunteer Recognition event at Kennedy School

Volunteering Opportunity

*Help Sort for "Schoolhouse Supplies"
Get School Supplies in the Hands of Children*

Please join us on Tuesday, April 19, 5:30-7:30 p.m. at Madison High School to sort, stock and organize shelves at Schoolhouse Supplies. MBA is sponsoring this one-time volunteering opportunity for the first 10 who call to volunteer.

Please donate office supplies

This is the time of year when their shelves are nearly bare and need replenishing. MBA is sponsoring a supplies drive during the month of April. Basic items such as #2 pencils, crayons, colored pencils, non-permanent markers and rulers are needed most, as well as unused or like-new office supplies especially staplers, tape dispensers, files and hanging files, two-pocket folders, inbox trays and desk organizers. Please either deliver them to MBA or call us and we'll pick up.

Sign up by contacting Ryan Mosier or Judy Edwards at 503.222.3275.



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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

Bailing Out: The Mechanics of Withdrawal



RPC 1.16(a) and (b) tell us, respectively, when we must or may withdraw. The reasons range from unwaivable conflicts to irreconcilable differences between lawyer and client on case strategy. The question then becomes: how do we withdraw? That question is easier stated than answered because when withdrawing we are charged with the duty to proceed in a way that, as RPC 1.16(d) puts it, protects the client's interests "to the extent reasonably practicable[.]"

In this column, we'll examine the mechanics of withdrawal in civil matters in Oregon's state and federal courts. We'll first briefly survey the law governing withdrawal. Next we'll look at the content and timing of notice to the client. We'll then walk through the motion and hearing seeking leave to withdraw. We'll conclude with a discussion on the disposition of unearned funds and client files.

Governing Law

There are two primary sources of law regulating withdrawal: RPC 1.16, the "withdrawal rule"; and applicable court rules. With RPC 1.16, there are two key provisions. RPC 1.16(c) requires compliance with any applicable court rules. RPC 1.16(d), in turn, states the general principle noted above on protecting client interests and also governs the return of unearned funds and client files. RPC 1.16 is also applicable to federal court practice under LR 83-7. With the court rules, both the state rule - UTCR 3.140 (which incorporates ORS 9.380 by reference) - and the federal rule - LR 83-11 - generally require court permission to withdraw (absent substitution or, with the federal rule, when there is co-counsel).

Notice

RPC 1.16(d) requires "giving reasonable notice to the client[.]" "Notice" can be oral, but it is usually wise to confirm the discussion in a contemporaneous written (paper or electronic) document in the event that there are any issues later. Notice to the client not only informs the client of the decision, but also gives the client time to find replacement counsel and advises the client of any significant pending deadlines or case issues. Prudence also suggests using the confirming letter or email to memorialize the reasons triggering withdrawal. It is important to remember that a court can order a lawyer to remain on a case notwithstanding

grounds to withdraw and, in that event, the lawyer must do so under RPC 1.16(c) (see, e.g., *Ryan v. Miller*, No. 08-6250-HO, 2008 WL 4775108 (D Or Oct 31, 2008) (unpublished) (citing rule)). Therefore, it is usually best to seek leave to withdraw well in advance of trial.

Motion & Hearing

Under RPC 1.16(c) and the respective court rules, both the client and opposing counsel should be served with the motion seeking leave to withdraw. Because we have a continuing duty to protect the client in the process of withdrawing, the motion itself should generally take a "minimalist" approach and avoid revealing client confidential information. If the court requires a fuller explanation, a prudent approach is to seek an ex parte, in camera hearing in chambers with the judge - with the record of the chambers conference then sealed afterward. Most reasonable opposing counsel will stipulate to this procedure and both state (see, e.g., Multnomah County SLR 1.165, 5.036) and federal (see, e.g., LR 3-8, 3-9) court rules permit this approach. If there is concern about revealing information to the trial judge, it is also possible to ask that another judge conduct the chambers conference and decide the motion. Both Oregon (see, e.g., *Frease v. Glazer*, 330 Or 364, 4 P3d 56 (2000)) and federal (see, e.g., *United States v. Zolin*, 491 US 554, 109 SCt 2619, 105 LEd2d 469 (1989)) law generally hold that disclosure of otherwise confidential information to a court in camera does not waive privilege.

Unearned Fees & Client Files

RPC 1.16(d) requires that a withdrawing lawyer provide the client with "papers and property to which the client is entitled and ... [refund] any advance payment of fee or expense that has not been earned or incurred." Although there is a nominal exception for possessory file liens "to the extent permitted by law," OSB Formal Ethics Opinion 2005-90 counsels that a client's need for the file trumps a lawyer's possessory lien. In short, it is usually prudent to give the client the file so that the client can't claim (a) that the lawyer shouldn't be allowed to withdraw because the lawyer won't give up the file or

ANNOUNCEMENTS

Tell the Judges What You Want to Hear

The MBA is planning its annual CLE seminar on Judges' Trial Practices in Multnomah County, and our distinguished panel of presenters would like MBA members to provide guidance on what the class should cover. Past sessions have covered motion practice, jury selection, briefing, jury instructions, making and arguing objections, managing witnesses and exhibits, handling presentation media and other procedural and practical issues faced by trial lawyers. If you have suggestions for topics you would like to be addressed, please email guy@mbabar.org.

Take a Matter that Matters

Sign the MBA 2011 Pro Bono Pledge at www.mbabar.org/probono.htm and commit to taking at least one pro bono case this year.

MBA Noon Time Rides

Gather 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.

Multnomah County Courthouse Closed Monday-Friday 7 p.m.-7 a.m.

Until further notice, the downtown courthouse is closed between the hours of 7 p.m. through 7 a.m. There is no access to the law library during these hours.

Queen's Bench Events Monthly Luncheon

Please join Queen's Bench at Trees Restaurant, 1211 SW 5th Ave., on Tuesday, April 12, 11:45 a.m.-1 p.m. Cost is \$14. The speaker is Lisa LeSage, discussing her Fulbright Scholarship trip to Chile. The buffet includes a vegetarian option.

New Queens Bench Event Get off the Bench - Wednesday Walks

Meet at 12:10 p.m. on Wednesdays at the Salmon Street Fountain to walk for 40 minutes on the Hawthorne to Morrison loop.

For more information on Queens Bench activities, contact Vice President Christine Coers-Mitchell at coers@comcast.net.

A Class Act - April 29 Benefit for Shepherd Scholars

On April 29, OGALLA, the LGBT Bar Association of Oregon, sponsors its annual dessert and music benefit for third and fourth year law students at The Old Church. For information or to purchase tickets, visit www.ogalla.org/aaclassact.html.

Join the MBA Membership Committee



for this exciting opportunity!

The MBA Membership Committee has teamed up with All Star Fitness to offer our members a **FREE** four-week, four-class Strength and Conditioning Program. The Strength and Condition Program is designed to provide cardio and strength training in one energizing class. Basic cardio patterns are combined with a variety of strength training to build cardiovascular and muscular endurance for all fitness levels. It is located at 2831 S.W. Barbur Boulevard.

The classes will be **every Wednesday at 5:30 p.m.** starting **April 20 through May 11.**

Sign up today for this opportunity. To get the most out of the program, participants should attend all four classes, but it is not required.

Register with Kathy Modie at the MBA at 503.222.3275 or kathy@mbabar.org.

(b) the client's case was prejudiced by the lack of the file. It is usually equally prudent to retain a copy of the file (or at least key parts, such as correspondence) at the lawyer's own expense so that, if necessary later, the lawyer can document the status of the case at the time the lawyer withdrew. OSB Formal Ethics Opinion 2005-125 provides detailed advice on file transfers.

Mark Fucile of Fucile & Reising 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.

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The Corner Office

You're a litigation associate. One of the firm's clients has been sued for employment discrimination. A partner in the firm - a business partner, not a litigator - asks you to defend the case under his supervision. He tells you to "figure out some motions" to file against the complaint to let the plaintiff know that this litigation is going to be costly to pursue. You should then serve some sweeping document requests, followed by motions to compel, to "wear the other side down" a bit. And when you take the plaintiff's deposition, you should "really go after her" to "send a message" that employees who file such "frivolous" lawsuits will have to "pay a price" for their actions. The partner says that the firm's client knows that pursuing an aggressive defense will be costly, but the client expects his "hired gun" litigators to be aggressive, because "that's what litigators do."

Leaving the partner's office, you feel a little uncomfortable with these instructions. You go back to your office and make a list of your options:

Option 1: File the motions, serve the document requests followed by a motion to compel, take the deposition and "go after" the plaintiff, making her as uncomfortable as you possibly can. The advantage of this option is that you've followed the partner's instructions, logged some impressive billable hours on the case and the client will be pleased if your tactics intimidate plaintiff into dropping the case and dissuade other employees from suing. The disadvantage is that your professional reputation - not the business partner's - will suffer. By following instructions, your actions will fall short of the OSB's Statement of Professionalism and may even violate the Rules of Professional Conduct. See ORPC 3.4(d); 5.2(a); and 8.4(a)(4).

Option 2: Take a stand. Tell the business partner that you will not engage in such tactics; inform him that's not what litigators do, and if that's what this firm expects, you'll have to start looking for another job. The advantage of this option is that you'll feel good about

standing up for your principles. The disadvantage is that your future with the firm will be jeopardized, and you really don't want to look for a new job in this economy.

Option 3: Ignore the business partner's instructions, and defend the case as you feel is appropriate. The advantages and disadvantages of this option are similar to those in option 2.

Option 4: Talk it over with one or more associates in the firm. The advantage of this option is that your friends might give you some good ideas on what to do; at the very least, it will give you an opportunity to commiserate with your coworkers about what a lousy law firm this is. The disadvantage is that other associates are not really in a position to help you with this problem; you'll still have to deal with the partner. And one of your "friends" might report your "insubordination" to the partner; after all, associates are competing for the opportunity to become partner, and this might help eliminate some of the competition.

Option 5: Talk to a litigation partner in the firm. Choose someone you're comfortable confiding in, someone who values his or her professional reputation (and the firm's) as much as you value yours. The advantage of this option is that the litigation partner may deal with the business partner so you won't have to do it yourself. The partners may need to meet with the client and explain that, while the firm will defend the case aggressively, it is not in the client's interests to pursue inappropriate litigation tactics. Of course, the client may disagree and start looking for another law firm. Ultimately, the firm's partners might need to decide whether keeping this client is worth the potential damage to the firm's professional reputation. From the associate's perspective, there's no real disadvantage to this option, unless there are no litigation partners that the associate can trust. If that's the case, perhaps it really is time to start looking for another job.

So those are the options; as an associate, what would you do? As a senior litigation partner sitting in the corner office, what would you do if an associate came to you with this problem?

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

WinterSmash Raises a Record \$20,000 for CourtCare

By Kathy Modie, MBA Director, Events and Programs.

What better way to raise money for a good cause than with a night of family fun, bowling competition, raffle prizes and a best bowling shirt competition? On Saturday, March 5, about 350 MBA members and their families participated in the MBA's 9th Annual WinterSmash fundraiser at AMF 20th Century Lanes in Portland.

In the spirit of fun, teams gathered to vie for prizes based on their scores and outfits.

Best team score and the coveted bowling trophy went to the Legal Northwest Staffing Specialists and Smith Freed & Eberhard team, with their top three individual scores combined at 542. Gevurtz Menashe won the prize for best shirt, with their farmer theme.

The prize winner for best individual score went to Todd Gifford, the husband of an attorney at Smith Freed & Eberhard, with a score of 217.

The team with the most players again this year was Harrang Long Gary Rudnick, with 43 bowlers signed up. Both Ater Wynne and Buchanan Angeli Altschul & Sullivan had 30 or more bowlers. Gordon & Rees, National Lawyers Guild and Stoel Rives had 20 or more bowlers each. In a friendly, competitive "bowl-off," the MBA Board team, represented by its President Sarah Crooks, beat the YLS team, led by representative Collin McKean.

WinterSmash benefits CourtCare, the free drop-in childcare for children of parents who have no other alternative than to take their children with them to court.

Thank you to Harrang Long Gary Rudnick for sponsoring the food and beverages again this year,

and to our sponsors and all who participated. Thank you also to the WinterSmash Subcommittee for planning such a great event: Colin Andries and Hwa Go, Co-Chairs; Cody Elliott, David Malcolm, Collin McKean and Eric Meyer. Thank you, Sylvia Stevens and Sarah Crooks, for selling raffle tickets at the event.

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See WinterSmash photos at www.mbabar.org/gallerywintersmash11.htm.



The Gevurtz Menashe team dressed in their farmer theme



Harrang Long Gary Rudnick bowlers



The Legal Northwest Staffing Specialists / Smith Freed & Eberhard team with their trophy for team high score

AROUND THE BAR



Kimball H. Ferris

MILLER NASH

Kimball H. Ferris has joined Miller Nash as a partner. Ferris brings more than 30 years of Oregon law experience to the Business Practice Group.

Ferris' experience encompasses corporate, international and real property and finance transactions. He has assisted with the purchase or sale of numerous business entities, including Fortune 100 companies. He has represented sellers and purchasers in real property transactions, as well as institutional lenders and corporate and individual borrowers of all sizes.



Kevin Clonts

RIZZO MATTINGLY BOSWORTH

Allen Eraut has become a principal in the firm. He focuses his litigation practice in construction defect, products liability and toxic tort matters.

Marla L. Quick has become an associate of the firm, primarily engaged in environmental and natural resource damage claims.

Kevin Clonts has also become an associate who will continue to handle commercial litigation and intellectual property disputes, construction law and insurance coverage matters.

acquisitions, corporate governance and general business advice. She is the practice group leader of the firm's General Business Group and co-practice group leader of the firm's Corporate Finance and Securities Group.

ROGOWAY GREEN

Douglas Green announces the opening of a new firm: Rogoway Green, LLP. The practice focuses primarily in the areas of personal injury and criminal defense. The firm's contact information is: phone 503.935.5450, address 0324 SW Abernethy St., Portland OR 97239. Web site is www.rogowaygreen.com.



Kelly R. Tilden

Melissa E. Beyer has joined the firm as an associate. She will practice in a variety of areas including business, debtor-creditor, employment, environmental, litigation and real estate, adding depth to many of the firm's practice areas.



Steve Cook

BULLIVANT HOUSER BAILEY Steve Cook, a shareholder, has been selected to lead the Business Transactions Practice Group. Cook's practice focuses on intellectual property, contracting, mergers and acquisitions, and overall business law advice as "outside general counsel" to a variety of businesses and individuals. He will lead a team of 16 lawyers working out of five offices in four states.



Jack T. Connors

BALL JANIK

Jack T. Connors has joined the firm as an associate in the firm's real estate and business and corporate practice areas.

BARRAN LIEBMAN

Oregon Business Magazine honored **Barran Liebman** as a 2011 "Top Ten" Best Company to Work For in Oregon at the 100 Best Awards Dinner held at the Oregon Convention Center.

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.



Julianne Davis

LANE POWELL

Julianne Davis has joined Lane Powell as counsel to the firm in the Intellectual Property and Technology Practice Group.



Bill Crow

SCHWABE, WILLIAMSON & WYATT

Schwabe's **Bill Crow** recently was selected as the recipient of the 14th Annual Owen M. Panner Professionalism Award. This prestigious award, given by the OSB Litigation Section, recognizes and honors members of the bench or bar who exemplify the highest personal and professional standards.

Crow focuses his practice in the areas of antitrust, health care and environmental litigation. In addition to trial experience in these fields, he has served as national trial counsel in breast implant and diet drug litigation.

Shareholder **Carmen Calzacorta** was honored with Schwabe's client service award, presented each year to an attorney in the firm who goes "above and beyond" in his or her dedication and service to firm clients. Recipients of the award are nominated by their colleagues and then selected by the firm's Client Service Committee.

Calzacorta focuses her practice in the area of corporate law, with an emphasis on securities law compliance, corporate finance transactions, mergers and



Margot D. Lutzenhiser

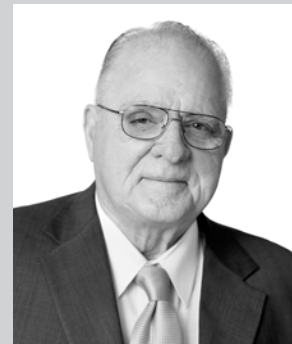


Melissa E. Beyer

FARLEIGH WADA WITT

Kelly R. Tilden has been appointed chair of the firm's employment practice group. She focuses her practice in the areas of employment law, business, and litigation, and has handled a broad spectrum of employment law matters for the firm's business and financial clients.

Margot D. Lutzenhiser has joined the firm as an associate. She will focus her practice on bankruptcy, bankruptcy litigation and creditors' rights.



**In Memoriam – John L. Schwabe
February 14, 1919 – January 29, 2011
MBA President 1966-67**

John L. Schwabe, a World War II veteran and retired senior partner of Schwabe, Williamson & Wyatt, died January 29 in Tucson, Arizona. He originally joined the firm in 1952.

Schwabe was born in Nowata, Oklahoma. After graduating from Oklahoma State University as a Sigma Chi in pre-law, John enlisted in the US Marine Corps, completed Marine officer training and was commissioned as a second lieutenant. He married Jean Cooley and was sent into active duty in the South Pacific. There he participated in beach landings and the battles of Guadalcanal, Tarawa and Saipan. For his service, he was awarded a Silver Star, five Bronze Stars and a Presidential Citation for Valor.

Following his military service, John attended law school at Ohio State University and then moved to Oregon

where he joined the firm that grew to be one of the largest firms in the state, with 175 lawyers and offices in Portland, Vancouver, Seattle, Bend and Salem. Over the course of his career, he represented lumber, construction, manufacturing and insurance companies, banks, municipalities and individuals.

John spent the last few years in the comfort of his Arizona home, enjoying time with his wife, children and grandchildren. He died peacefully at home, at age 91, surrounded by his family.



Allen Eraut



Marla L. Quick

Tips from the Bench Family Court Updates

By Judge Maureen McKnight, Multnomah County Circuit Court.

Custody and Parenting Time Evaluations

After comprehensive discussions with the Family Law Bench, the Multnomah County Department of Family Court Services (FCS) recently announced changes in criteria for custody and parenting time evaluations conducted by that department. A memo from Janice Garceau, Manager of FCS, details these changes and is available at www.mbar.org/courts.htm. In addition to criteria set out in SLR 8.047, evaluations by FCS must now also involve children aged 10 or younger, completion or waiver of the parent education course and completion or waiver of mediation within the last six months. Additionally, and with some exceptions, the assessed evaluation fee (now \$1,200) must be paid before the evaluation starts.

The changes in evaluation criteria are necessary because of reduced FCS staff, an increase in mediation cases, and the high volume of evaluation requests. The number of individuals attending mediation orientation the last four years has increased steadily from 621 to 812. The total number of cases mediated during that period has gone from 747 to 1,055. And evaluation orders stabilized at approximately 120 per year primarily because of close judicial attention to requests. The bench is strongly supporting the efforts of Family Court Services to maximize evaluation services for the most vulnerable children.

UCCJEA Consultations

The family law judges are often asked about procedures to arrange consultations between judicial officers from different states when required under the Uniform Child Custody Jurisdiction Act. Judge Waller has stated her preference that these matters be placed on the trial assignment docket so that individual judicial availability can be accommodated. The judges recognize, however, that jurisdictional issues are sometimes found only when final paperwork is routed to a



judge for signature, so judicial involvement can also arise in that self-initiated context.

Judges vary on their preferred method for handling the consultation. The commentary to the uniform act recognizes that "communication can occur in many different ways, such as by telephonic conference and by online or other electronic communication." *Commentary to §110 of UCCJEA, National Commissioners on Uniform State Laws (1997)*. Sometimes, hearings are held simultaneously in both states. Attorneys are advised to consult the individual trial department involved to learn the preferences of the assigned judge. Family court judges also request that attorneys dealing with UCCJEA consultations attempt to identify the judicial officer handling a pending matter in the sister state or country or who is otherwise available to handle the interstate communication, rather than leaving this work for the judge's staff.

Also on Judges' Wish Lists

- Completing parenting education class before reporting ready at trial assignment
- Following SLR 8.041 on permissible ex parte requests
- Submitting trial memoranda by noon the day of trial assignment, i.e., the day before hearing. SLR 6.015(4)
- Anticipating technology needs in advance - perhaps transcriptions of voicemail or text messages instead of playing an undecipherable call or asking court to look at text message on phone.



By Carson Bowler, Schwabe Williamson & Wyatt and Court Liaison Committee member.

Presiding Judge's Report and Courthouse Update

Presiding Judge Maurer led a discussion on the ongoing topic of the Multnomah County Courthouse project.

Discussion was had about a proposal put forth by SERA Architects to renovate the existing courthouse. The plan calls for a four to six year timeline for renovation during which court operations would continue through 4 p.m. on weekdays. Work would occur after 4 p.m. Two of the years are tentatively scheduled to be devoted to phasing in replacement of building systems, tearing out the three floors in the center and building in seismic upgrades. Salmon Street would be closed to all traffic and used as a staging area for the project during a significant portion of the construction under the architects' proposal.

Rehabilitating the current courthouse is one of several options being considered by the county commissioners. Judge Maurer commented that the commissioners appear to have a strong desire to move the issue of the Multnomah County Courthouse forward and are addressing it seriously. Some of the benefits cited for renovating the current courthouse are that it maintains an anchor public building in the downtown core "Government Square," there would be no need to purchase additional property, a building of historical significance would be preserved and it would meet the needs of the legal community for the immediate future. A downtown anchor courthouse on Government Square has been part of the city of Portland's plans since the 1970s.

Countervailing considerations include building an even larger courthouse in Gresham to meet the full needs of East County litigants, cost considerations, the timeline of "new construction" versus remodeling and the advantages of new construction incorporating all of the safety and security elements of modern courthouse design. Other options have included buying new property and bifurcating civil and

criminal courts into two buildings or areas. Judge Maurer noted that there are access to justice and appearance issues that could result if civil and criminal judicial functions were bifurcated, which could lead to the appearance or reality of a judicial system that provides civil litigants with a judicial experience that is insulated from the full spectrum of the judiciary's role to serve all citizens equally, regardless of the kind of case at issue.

This sort of renovation project may be unprecedented in the United States. There are also considerations regarding cost overruns for unknown difficulties encountered during construction. Judge Maurer noted that the SERA proposal contains special provision to maintain air quality during the construction phase.

The proposed remodeling of the current courthouse would bring it up to seismic code, and would also have the benefit of improved flow-ways for criminal defendants, public and court staff, which would be incorporated into the new design as permitted.

The SERA Architects' report will be available to the public on April 19, the same date on which the Multnomah County Commissioners will be presented with the report. The commissioners will not vote on the plan on that date.

Doug Bray discussed various ideas that have been mentioned to assist with funding courthouse construction, including obtaining state funding through Measure 72 (Article XI-Q Oregon Constitution and SB 19) sources.

Legislative Update

Doug Bray discussed HB 2710 and HB 2712, both of which contain provisions regarding fees and revenues in civil and criminal proceeding. The revenue features in these bills replace provisions enacted in 2009 to pay some of the costs of operation of the Oregon Judicial Department and the Public Defense Services Commission. (These bills are proposed as a "fix" for the current fee and revenue structure.)

Another bill, HB 3252, proposes to require any case filed in Gresham to remain in Gresham for resolution, unless the parties stipulate to it being heard in the courthouse.

Electronic Filing

Judge Maurer discussed the implementation of e-filing in Multnomah County. A single service provider, Tyler Technologies, Inc., has been secured for all of Oregon courts. Yamhill County will be the first to implement e-filing. Multnomah County intends to begin implementation of e-filing in the second half of 2012, starting with civil, small claims and FED cases. Various categories of filings and cases will be phased in until 2015, when it is anticipated that e-filing will be fully implemented in the state.

Court Operations: Comments and Issues

Eric Dahlin led the committee through the delicate task of providing comments regarding Multnomah County court operations. Several items were discussed.

- 1) Whether in certain instances holding jury trials on Fridays is a good practice. Currently the default is no jury trials occur on Fridays, which frees up judges for other business. Judge Maurer noted, to no small amount of incredulity by the committee, that lawyers sometimes underestimate the amount of time they will need to try a case.
- 2) The bench is considering early status conferences to check in with counsel on certain cases.
- 3) Settlement judges. Discussion was had about the difficulty in finding settlement judges and in particular receiving confirmation from certain offices that judges are not available once contacted.
- 4) Comment was made regarding certain cases handled by pro tem judges on which recusal was made because of a conflict of interest, leading to additional costs to the clients associated with that case. Also, a comment on pro tem judges repairing issues for counsel sua sponte.

Volunteering Opportunity

Transition Projects

May 12, 5:30-8 p.m.

The mission of Transition Projects is to serve people's basic needs as they move from homelessness to housing. Don an apron and join us to prepare and serve a dinner for 90 men who are residents of the Clark Center at MLK and Hawthorne. Please contact Ryan Mosier or Judy Edwards at the MBA office, 503.222.3275 if you would like to participate.

Profile - Judge Kathryn Villa-Smith Multnomah County Circuit Court

By John Rothermich, Garvey Schubert Barer and MBA Court Liaison Committee member.

Judge Kathryn Villa-Smith was born and raised in Santa Fe, New Mexico, where she was one of six children. After she graduated from New Mexico State University, she held two jobs that influenced her decision to go to law school. The first was working with the youth in a juvenile detention center; the second was as a counselor for the League of United Latin American Citizens. She applied to law school, and was accepted at Lewis & Clark Law School. She deferred admission a year to continue raising her children and then moved to Portland from Las Cruces, New Mexico in 1979 to begin law school.

Judge Villa-Smith did not necessarily enter law school with dreams of being a trial lawyer, but her experience winning the first-year moot court competition gave her the confidence to pursue a career in the courtroom. She received additional encouragement when one of her moot court judges, Judy Snyder, encouraged Judge Villa-Smith to apply for a job

that would give her litigation experience. Following this advice, Judge Villa-Smith accepted a position as a Deputy DA with the Multnomah District Attorney's Office. She worked as a prosecutor in the office for 10 years. In that time, she tried a wide variety of criminal cases, ranging from misdemeanors and DUIs to juvenile work, drug cases and aggravated murder.

Although Judge Villa-Smith loved the work of a prosecutor, she decided to go into the private sector after a decade of criminal trial practice. At the urging of Ruth Pekelder at Gevurtz Menashe, she met with the lawyers at the firm. Impressed by their strong work ethic and passion for family law, Judge Villa-Smith joined Gevurtz Menashe in 1993. Despite her initial worries she would miss her work as a prosecutor, Judge Villa-Smith enjoyed the close client contact and broad range of issues involved in practicing family law. The wide array of problems to solve always kept the practice interesting. Judge Villa-Smith left

Gevurtz Menashe in 2010, after 17 years at the firm, when she was appointed to the bench by Governor Kulongoski.

Judge Villa-Smith was the recipient of the Oregon Hispanic Bar Association's 2010 Paul De Muniz Professionalism Award. She has dedicated many hours over her career to volunteer bar service, particularly for the MBA. She has been a member of the MBA and the Multnomah Bar Foundation boards. She chaired the MBA's Equality Committee, and served as the MBA Board's liaison to both the Judicial Screening and the Professionalism committees. She also served on the Best Practices Committee of the Diversity Section and the Sentencing Guidelines Committee of the OSB.

Asked about what she expects from attorneys appearing before her, Judge Villa-Smith noted that, after 27 years of practice, she knows how hard it is to be a good lawyer. It takes enormous work and involves constant stress. In her mind, good

lawyering is a lifelong learning process. That said, Judge Villa-Smith observed how anger and adversarial tension between opposing counsel is palpable in the courtroom or the conference room. She encourages attorneys to take professionalism seriously and treat their opponents with courtesy and respect, no matter how contentious matters may be between their clients.

While Judge-Villa Smith feels privileged to have had the opportunity to practice law – and is especially grateful for the deep relationships she developed with her clients and colleagues – she is looking forward to her new role as a judge. She believes that judges provide a critical public service. As a judge, she is committed to treating the parties appearing before her with great respect. She believes that respect in the courtroom should run both ways, not just in favor of the judge. As an example, Judge Villa-Smith recalled one moment in court during a particularly difficult custody dispute. As the judge was delivering his ruling,



Judge Kathryn Villa-Smith

he explicitly acknowledged the hard work that both parties did in their everyday lives, noting how the husband got up at 4 a.m. each morning to go to work and how the wife had struggled to build her own career. She remembers how the parties greatly appreciated the judge's remarks. She hopes she can show the same respect to the parties appearing before her.

Kathryn Villa-Smith was sworn in as a Multnomah County Family Court judge on January 3. The family court is fortunate to have a new judge like her on the bench, with her 17 years of learning and experience as a family law practitioner.

Oregon Minority Lawyers Association Celebrates 20 Years

Please mark your calendars for the 2011 Convocation on Equality, November 4

By Judy A. C. Edwards, MBA Executive Director.



Oregon Minority Lawyers Association (OMLA) celebrates its 20th anniversary this year. Let's all commit to attending and supporting the annual OMLA summer social and fundraising auction on July 21 and commemorate its first 20 years!

The mission of the charitable nonprofit is to make "the legal community of Oregon a welcoming environment where people of all colors, races and ethnic backgrounds can excel academically, professionally and personally." Specifically, its goals are to 1) promote fair and just treatment of all people under the law regardless of race or color through all appropriate means, including advocacy; 2) further the professional development and advancement of lawyers and law students who are people of color; 3) offer social opportunities for lawyers, law graduates and law students who are people of color; and 4) educate its members, the public and the legal profession about issues affecting people of color.

Judge Lynn Nakamoto, who along with Jeff Millner, was a co-chair at OMLA's inception, observes that "OMLA has come a long way since 1991. OMLA and its leaders over the past two decades can be proud of having helped to

nurture the growth of Oregon's ethnic minority bar membership." Besides Nakamoto and Millner, other founding officers were Marva Fabian who served as secretary, Susana Alva, treasurer and H. Adunni Warren as director.



L to R: Stella Manabe, Anastasia Yu Meisner, Akira Heshiki and Liani Reeves at a past OMLA function

Anastasia Meisner, a past board member who served later, recalls that "About the time OWLS was formed, there was a struggle within the bar on whether there should be specialty bars or whether change should come within the general bar. Back then OWLS saw that they needed to have their own bar and so did OMLA. Each needed its own group to be able to talk about issues relating directly to them and to help support each other, which was something OSB wasn't providing at the time. OMLA was a larger group than one racial group. We tried to cover a larger group of folks. Others have been more specific to racial groups, but even then we all worked in conjunction with one another,

trying to promote everyone and fostering activities with each other."

Current OMLA board members are Co-Chairs Todd Struble, Law Office of Todd Struble and Christopher Ling, Attorney at Law; Secretary, Samantha Copeland, Attorney at Law; Treasurer, Janice Kim, Littler Mendelson. Board members at large are Derily Bechthold, Standard Insurance Company; Sujata Patel, Attorney at Law; Chase Morinaka, Chase Morinaka Attorney at Law; Myah Osher, Osher & Bergstrom Law; and Ari Okano, Tonkon Torp.

New lawyers, Struble and Ling are dedicated "to keeping our events going that have been successful, such as the summer auction which is the highlight of the year, plus our quarterly lunches which focus on a variety of issues for the legal community. For instance, we've hosted the OSB president; this year's early summer lunch features judges and the upcoming April lunch will focus on Liani Reeves, the Governor's General Counsel. She's been a great contributor to the OMLA in the past. Our summer associate social, with law students from throughout Portland, is an opportunity for them to meet and learn more about the firms around town."

It is important to OMLA that they support other diversity bars too, such as the OWLS annual

dinner because "it furthers the goals of our organization and there is a lot of overlap with the two groups' goals and values. We're exploring ways to cross-promote activities of the various diversity bars," stated Struble.

Challenges always face an organization that is volunteer staffed, but the co-chairs agree that "all the work we do is because we're dedicated to the organization and the purposes of what we're trying to accomplish. Maintaining the level of activity in these tough times is another challenge. We have a lot of recent law grads and new lawyers who are also being challenged. We are working to find ways to help them with resources. It's always difficult for new diversity lawyers coming here who are from areas with more diversity. We want



Román Hernández and Pamela Loh Veljacic at an OMLA summer auction

them to know that Oregon is a great place to practice law and that there is a strong network and community to support them. And while we're trying to help new attorneys, we also work at keeping the members who have been involved in the organization,

those with more experience who've contributed a lot in the past. We encourage them to share their experience and expertise."

One of OMLA's greatest successes has been to provide scholarships for exam preparation courses for recent law school graduates. "We encourage people to apply through the OSB, and we try to help as many as we can." Scholarship funding is raised at the annual OMLA summer social and auction.

What would they like to see for OMLA? "Increase in membership and retaining law students who have a choice to go to other states, encourage them to stay and build their practices here in Oregon," says Struble. For Ling, he would like to see "more examples of direct mentorship facilitated through OMLA. Having more experienced lawyers to speak frankly with is beneficial for a new attorney's experiences."

These are exciting times for the specialty bars because their populations are growing, as is their membership. Please join me in congratulating OMLA on a very successful 20 years! And, attend their auction on July 21 and the 2011 Convocation on Equality on November 4.

Pro Bono Spotlight: Andrea Thompson and Chad Marriott

By Abra Cooper, Associate at Schwabe, Williamson & Wyatt and YLS Pro Bono Committee.

In the short amount of time they have been practicing attorneys, Andrea Thompson and Chad Marriott, both associates at Stoel Rives, have made it a priority to contribute significant pro bono hours helping clients who may otherwise have had no one to turn to for legal assistance. In 2010, both participated in the Legal Aid Night Clinic sponsored and hosted by Stoel Rives twice a month.



Andrea Thompson

Thompson, a 2008 U of O School of Law graduate and member of the firm's litigation group, handled three landlord/tenant cases through the clinic, logging approximately 60 hours. In some instances working with interpreters to communicate with clients still mastering English, Thompson worked diligently to settle claims

involving habitability issues, the withholding of security deposits and the return of tenant property.

In addition to her work through the clinic, Thompson has represented pro bono clients as a volunteer attorney with the ACLU and through the Ninth Circuit's and US District Court's Federal Indigent Representation programs. Those matters involved First Amendment and prisoner rights issues. In Thompson's view, pro bono service should be a required component of maintaining good standing with the OSB. "Pro bono service helps to ensure that the law remains the equalizer it's supposed to be. As members of the bar, we should be committed to that ideal."



Chad Marriott

Marriott, also a U of O School of Law graduate, picked up two cases through the clinic,

including a complex landlord/tenant action in which he spent over 70 hours negotiating a settlement agreement favorably resolving a dispute between his client (the tenant), the client's roommate and the landlord. A member of his firm's energy development practice group, Marriott relishes the opportunity to volunteer with the clinic because it offers a chance to break out of his comfort zone. "I have a corporate and regulatory practice where I don't get to deal directly with claims that impact an individual's standard of living. The clinic gives me a chance to work on issues that hit home for people."

Maya Crawford, an attorney with Legal Aid Services of Oregon, believes that Thompson and Marriott are "great examples of the tireless advocacy that volunteers with the Legal Aid Night Clinic exhibit. They have shown exceptional dedication to our clients and to the cause of access to justice for all."

In 2010, 35 volunteer attorneys staffed the Legal Aid Night Clinic, which welcomes participation from non-Stoel Rives attorneys on the fourth Thursday of every month. For more information, contact Legal Aid Services of Oregon at 503.224.4086.

Work-Life Balance: Raising a Family and Being a Lawyer

By John Witherspoon, Harrang Long et al.



Whenever I attempt any handiwork around the house, my wife, who is also a full-time attorney, usually takes one look at the bungled project and turns to say "It's sure a good thing that you're a lawyer." Assembling furniture, including our expected baby's crib last weekend, is about the limit of my expertise, and that goes best when I follow the directions in the manual.

When our baby is born (due on May 5th), my guess is that I will not be the first parent to ask where to get the manual. Where, specifically, is the part about how to juggle our two careers with raising our growing family?

Even if I ignore the directions, I can usually figure out from the picture on the box how to puzzle the pieces of furniture together.

It takes some trial and error, but in my experience most mistakes are recoverable with a little elbow grease and creativity. There are few things that persistence and stupidity cannot overcome.

Until someone does start handing manuals out for kids, it would be good to know at least what different pieces of the puzzle look like for maintaining a positive work-life balance. How many hours do each of us want to work? How much time do we want our baby around a parent? What are our long-term workplace goals, and how would they be affected by our family plans? What other aspects of our work-life will be affected by having a baby, and vice versa?

The YLS will be hosting a CLE targeted to lawyers with (or expecting) young families to help discuss these questions and others on April 22 at 1:30 p.m. at Kells Irish Pub. The CLE will have speakers with both personal experience and professional insight into this aspect of a work-life balance, to examine the changes and what can be done from the perspective of each spouse.

There may not be much hope for me as a carpenter, but I do expect that by examining the different aspects our work and family lives together, my wife and I will end up with what is best for us and our child.

Community Service Days with the Oregon Humane Society Saturdays, April 16 & 23

Please join the YLS Service to the Public Committee at the Oregon Humane Society on Saturday, April 16 or Saturday, April 23 from 1-3 p.m. Family, friends and children over the age of 12 are welcome to participate. Our sessions will give the animals the attention they need and the social skills to help them find new homes. To volunteer at the Oregon Humane Society or to request more information, please email Tony Dal Ponte at tdalponte@samuelslaw.com.



Annual YLS Judges' Social and CourtCare Fundraiser Coming Soon

The YLS will hold its annual Judges' Social and CourtCare fundraiser on Thursday, April 28 from 5:30-7 p.m. at Schwabe Williamson & Wyatt, 1211 SW 5th Ave. The firm is also generously sponsoring the event. Please join fellow young lawyers and Multnomah County's federal and state court judges for this casual opportunity to network and socialize.

The YLS will also sponsor a raffle drawing at the event to benefit CourtCare at the Multnomah County Courthouse. CourtCare is a free, on-site, drop-in childcare center for parents who must bring children with them to the courthouse. Raffle tickets may be purchased from YLS Membership Committee members and will also be on sale at the event. You do not need to be present at the drawing to claim your prize.

Please mark your calendars and spread the word about this event. See you there!

YOUTHFILM Awards Presented May 3



It's award season for the 5th annual YOUTHFILM Project! The deadline for submissions has passed and the YOUTHFILM Project Committee is busy preparing for the big event: the screening and awards ceremony at the Hollywood Theatre on May 3. This year's theme is "The Legacy of John Adams: From Boston to Guantanamo" and the participants' film entries are even better this year. So come on out to the Hollywood Theatre at 6:30 p.m. on May 3 and check out some incredible movies from tomorrow's lawyers and leaders!

The YOUTHFILM Project - a committee of the YLS - is a forum for student filmmakers (K-12) to showcase their talent while learning about the legal system and current issues facing communities in Oregon and the nation. Each year during Community Law Week, the top films are screened for the public at the Hollywood Theatre. Prizes are awarded at the screening by Oregon Supreme Court Chief Justice Paul J. De Muniz.

The YOUTHFILM Project is looking for a few volunteers to help out at the screening event. If you're interested in volunteering, please contact the chair of the YOUTHFILM Project, Valerie Colas, at gvcolas@gmail.com. The YOUTHFILM Project is possible only through the generous support of the Multnomah Bar Foundation and the fundraising efforts of the YLS Service to the Public Committee, which spearheads Community Law Week each year.

YLS Board Appoints Traci Ray to Vacancy

The Board of Directors of the MBA Young Lawyers Section has appointed Traci Ray to fill a vacancy on the board, effective immediately.

Traci works at Barran Liebman, where she is the Director of Marketing, Client Services & Events. She graduated from the U of O School of Law in 2007 and passed the bar that same year. Traci has been actively involved in the YLS, serving as a member of the Pro Bono Committee and most-recently as the co-chair of the Professional Development and Education Committee.



The board extends its sincere thanks to Yumi O'Neil for her dedicated service to the YLS.

Chief Justice State of the Courts 2011 Address Highlights

Chief Justice Paul J. De Muniz made his annual state of the courts address on January 7 in front of the Salem City Club. His theme was "Finding Opportunity in Crisis: Re-engineering Oregon's Courts."

Chief Justice De Muniz began with an update from 2010. Courts are still weakened by budget reductions and furloughs, but the eCourt project promises increased efficiencies. Civil case filings have increased, but the judicial branch has implemented initiatives to expedite civil jury trials and to assign experienced judges to complex civil cases. Communications among the three branches have "transformed the conversation about the judicial branch budget from 'what can we cut?' to 'what must we fund?'"

The chief justice reported that the judiciary sustained the same number of furlough days as the executive branch, but managed to remain open for business every business day. On the other hand, judicial staff is less able to provide public service hours and there are delays in the entry of some documents.

In light of the likely budget deficits continuing into the future, the judicial branch

formed a Court Re-engineering and Efficiencies Workgroup (CREW) to identify efficiencies that will allow the courts to operate on less revenue while maintaining or improving judicial services. The workgroup surveyed the staff and then "asked hard questions about what we do, why we do it, and how we do it." Re-engineering efforts will focus on four areas: centralization; regionalization and the statewide use of judicial resources; leveraging technology; and redistricting and venue. The branch will assess these options using the following principles: convenience for litigants; reduction of cost and complexity of judicial processes; maintenance or improvement in access to justice; and improvement in case predictability for litigants. The ultimate goal is full implementation of Oregon eCourt, a statewide electronic court system.

Chief Justice De Muniz called for the leadership of each branch of government "to come together, to identify and to agree on the irreducible core functions of our state government, to establish a budget consistent with those core functions, and then manage each branch to achieve those policy outcomes." He made two final points about why the



Chief Justice Paul J. De Muniz

judicial branch budget must be a high priority. First, litigation concerning the adequacy of judicial branch funding raises the specter of "constitutional chaos." And second, the "courts stand at the intersection of many important social political and legal issues that must be resolved timely, thoughtfully and competently."

For the chief, the closing argument is this: "It is not a question of how much justice we can afford. Providing justice completely and without delay is the constitutional policy of this state, and our elected leadership must provide a budget sufficient to carry out that constitutional mandate."

This article was compiled from information in the March 1, 2011 OSB Capitol Insider. Full text of the chief's speech is available at www.mbabar.org/courts.htm.

Community Law Week Events

As lawyers, we face many challenges. Foremost among these challenges is the role we play in insuring the impartial application of justice. There is a duality in our role: we are often the public face of our clients, yet also just a mouthpiece, supposedly disconnected from the underlying claims. This duality often leads to tension: while all clients deserve representation – and our system demands it – taking on particular clients or causes can affect how we are seen as individuals.

Regularly, lawyers courageously step up to represent clients and argue cases even when doing so may affect their own lives, from personal relationships to societal standing; this year's Community Law Week celebrates those lawyers by recognizing the critical role they play in our justice system, and encouraging other lawyers to follow in their footsteps.

Community Law Week is a yearly event brought to you by the YLS Service to the Public Committee. More accurately it is a series of events, the culmination of a year's work and planning by MBA volunteers. The events focus on reaching out to underserved members of our community, educating them on basic legal issues and assisting them in accessing legal resources. The activities center around ABA Law Day, held annually on May 1. The theme for this year's events, and similar activities held around

the country, is "The Legacy of John Adams, From Boston to Guantanamo."

Support from volunteers is critical to the success of several community outreach events held during the week. We hope you will join in this year's celebration of our community, civic education and the MBA YLS, May 2- 7, by volunteering your time to one of the projects listed below. To volunteer or for more details you may contact the individual coordinator or go to www.mbabar.org/community-law-week.

Legal Information Booths: Informational booths will be set up in various locations in Multnomah County May 2-7. For an hour, perhaps two at the most, you would help direct people towards free or low-cost legal services – but worry not! You are not actually dispensing advice yourself, simply informing people where to go. It's like being a safety guard in elementary school, except you have a JD. And you might be helping someone who was run over by a car, not trying to avoid it. Contact Mary Chandler at maryachandler@gmail.com or Elizabeth Kafel at elizabeth.kafel@mcda.us.

Tell it to the Judge: Join Multnomah County Circuit Court judges at the Lloyd Center Mall on May 7 from 12-3 p.m. and encourage citizens to speak

with the judges about their questions or opinions regarding the courts and legal system. Volunteers are needed to facilitate the public discussion sessions with the judges. Contact Kyoko Wyse kkw@wysekadish.com or Alex Sutton asutton@gevurtzmenashe.com.

Thank You Sponsors
Community Law Week would not be possible without our generous sponsors. Thank you to Davis Wright Tremaine, Holland & Knight, Miller Nash, Stoel Rives, Ater Wynne, Barran Liebman, Cosgrave Vergeer Kester, Garvey Schubert Barer, Hiefield Foster & Glascock, Pacific Northwest Paralegal Association, Perkins Coie, Samuels Yoelin Kantor, Schwabe Williamson & Wyatt, Stoll Berne, and Wyse Kadish, who have already committed to sponsoring Community Law Week. It's never too late to become a sponsor or volunteer! If you or your organization is interested in sponsoring this year's Community Law Week, please contact Corrinne Hill corrinne.hill@hkclaw.com or Kaley Fendall kaleyfendall@dwt.com.

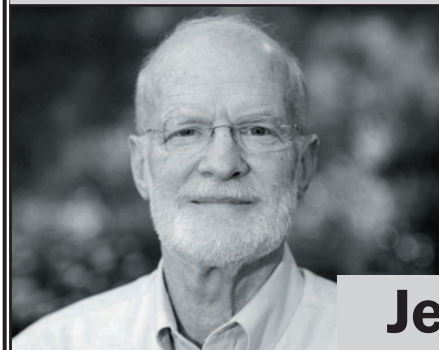
Look for the Community Law Week light post banners in downtown Portland from April 22-May 7, and other volunteer opportunities during the week!

PRO BONO VOLUNTEERS

Thanks to the following lawyers and law students, who donated their pro bono services in February 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, Children's Representation Project and Attorneys for Youth. To learn more about pro bono opportunities in Multnomah County, go to www.mbabar.org and click on "About Us" and "Pro Bono."

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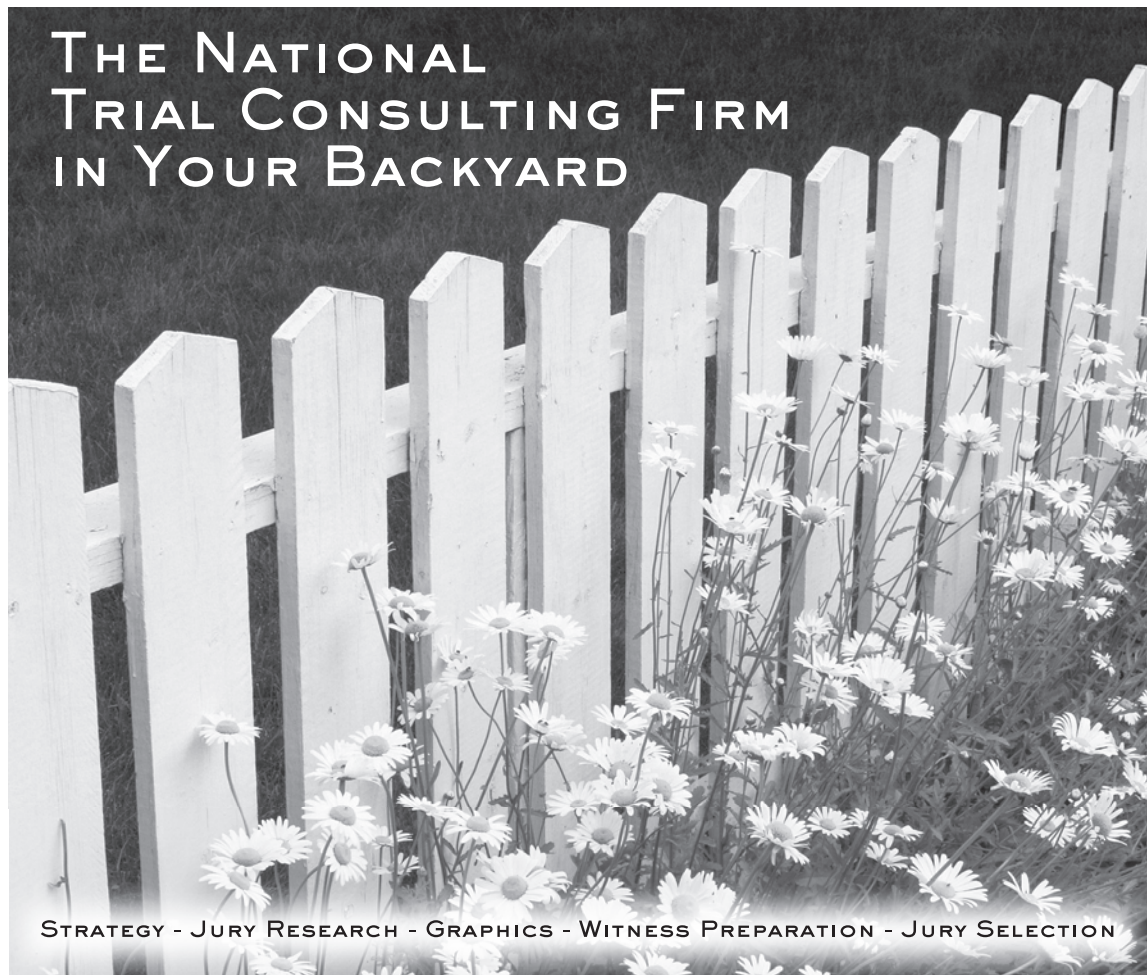
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K&L Gates is pleased to announce that
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Brendan succeeds Ann Sherman, who will resume her public finance practice.

Brendan's practice focuses on corporate transactions for regional, national, and multinational companies.

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Cheney's practice focuses on commercial litigation, professional liability defense, and securities litigation. Prior to joining the firm, he worked for Columbia Funds and clerked for the Honorable Rex Armstrong at the Oregon Court of Appeals.

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Meet David Aamodt. He joins us as Of Counsel after retiring from PGE as associate general counsel and as our client. David's broad range of expertise stand to benefit our clients in business litigation, energy, government law and regulation. He is an outstanding addition to our firm. Welcome David!

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The MBF wrapped up the MBA 100th Anniversary Community Gift Fundraising Campaign with nearly \$84,000 to invest in area nonprofits' civic education and community engagement programs. President Peter Glade noted that, "Last year, the foundation's campaign to raise additional funds for our grant and signature project programs succeeded during the most difficult of economic

conditions thanks to the efforts of Ed Harnden and Tom Sand. The generosity and commitment of the foundation's many donors, and the hard work, dedication and persistence shown by Ed and Tom has enabled us to continue our mission into the coming years."

Fundraising efforts included a social hosted by Miller Nash and a reception for young lawyers hosted by Bateman Seidel. Both events provided an opportunity for guests to learn about the MBF, its grant giving history and future plans, including the development

of a video series on democracy issues that will reach a statewide audience through distribution to teachers, broadcasts on cable access TV and Web sites such as YouTube.

Civic education is a lifelong process and Oregon's future depends on having informed, engaged voters who understand our legislative system, including the initiative and referendum process and its impact on all citizens. Yet statistics show a serious lack of knowledge about our government and judicial

system. Given a September 2009 public-opinion survey in which 40% of participants said they did not know Oregon has two US senators, Oregon Secretary of State Kate Brown said "we really have our work cut out for us."

To date, the MBF has awarded over \$141,000 in grants to organizations such as Bus Project, Classroom Law Project, Elders in Action, League of Women Voters, MetroEast Community Media, Northwest Constitutional Rights Center, OSB Constitutional Law Section and YOUthFILM Project.

With the success of the fundraising campaign, the MBF can continue its good work to promote civic education and public participation, educating and informing voters for a better Oregon.

To learn more about the MBF and its mission, visit www.mbabar.org/foundation.htm or contact Pamela Hubbs at 503.222.3275 or pamela@mbabar.org.

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