



MULTNOMAH LAWYER

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

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The Semi-Annual Courthouse Column

By Peter H. Glade, MBA President.

The elections are now receding into the distant past, the holidays are upon us and so it looks like it is time for the semi-annual new courthouse column. Even while votes were being tallied last month, people started coming up and asking me, "What about the new courthouse? What's happening with the new courthouse?" Good question.

Most of my attention has been focused on election results and their aftermath. I have lost touch with what I considered to be one of the major issues of the year.

I pulled out articles, columns and editorials from local papers and the *Multnomah Lawyer*. A glance through the last year's coverage produced a sense of comfort and relief. Putting all those articles and comments together creates the impression that the community had finally begun to appreciate the urgency of our plight. It appears that no one disagrees with the proposition that Multnomah County desperately needs new court facilities. We have outgrown the facilities downtown and in East County. Everyone realizes that the downtown facility is a tragedy waiting to happen. There can be no reasoned debate that we are a minor earthquake away from death, destruction and years without even inadequate courtroom facilities. And it seems like some previously unknown geological faults under our city recently drew attention by giving us a little shake.

Not only does everyone seem to recognize the courthouse problem (after all, that problem has been growing worse for many years), but our county government also has resolved to take action to solve it. Last spring, the County Commissioners passed a resolution to acquire a site for the construction of a new, downtown courthouse by the end of the year. Judging by these press accounts, the difficult and time-consuming task is now underway, and we will soon know what property the county has acquired.

Well, maybe not. You may recall that the county had identified the block adjacent to the Justice Center as the top choice for a downtown courthouse location. The property had only one tiny problem: it is owned by private developers who are well on their way to building a new office building. The county sought to swap property with the developers or otherwise make a friendly deal, and even raised the possibility of exercising its rights of eminent domain in order to acquire the property. But the word is that those negotiations have reached an impasse.

Of course, I am writing in November, and you are reading in early December, so maybe things will change. However, it seems unlikely that the county will actually take action to acquire the necessary property before the end of this year as resolved. As of the first of the year, new members of the Commission will take their seats, and then the political balance may change once again.

So, what's next? We seem to be stuck in a predictable cycle. We all agree there is a problem. Sometimes we seek the advice of a study group or task force (I've lost count of how many over the years). We agree to follow the advice of the task force. Time passes. Nothing happens, but through luck, we avoid the disaster of a fire or earthquake until someone puts the issue back on the radar screen. How do we break out of this cycle?

The governmental bodies with the power to get the job done must be properly motivated. I do not doubt or impugn the good intentions of our County Commissioners, nor do I suggest that they are without understanding of the gravity of the problem. But the truth is that the commission's constituency has not mandated a high priority for the courthouse or the justice system in general. The voters and those who exert political influence have not demanded action on these issues. As long as this is the case, we can expect that our justice system and its infrastructure will remain low on the governmental priority list.

What can we do? Talk it up. Help educate the voters, the business community and the politicians on the consequences of further neglect. I believe very few of us have really considered the impact that losing the courthouse would have on our community. The public in general does not appreciate the connection between having a smoothly functioning court system and our prized "quality of life." I think most of us take the availability of our courts for granted. As with many good things, we do not seem to fully value what we have until we lose it.

If we were to lose the courthouse to an earthquake or fire, the criminal and civil trial system would grind to a halt. The miserable experience of the Marion County Courts would pale by comparison. And the expense to the community would be astronomical. As stewards of the justice systems, we have a responsibility to make sure that we do all we can to enlighten the public on these issues. We need to exert additional pressure on our government to ensure that the political will to take action is properly fueled.

Settling on a site for the courthouse is only the first step. Following that, we will be facing the greater challenge of financing its design and construction. Given the electorate's reluctance to approve even school funding in the past, we have a lot of work to do in educating those who do not appreciate the importance of a well-functioning court system. An earthquake would drive the message home in a hurry. Let's try to create the same sense of urgency without the loss of life and property that would accompany nature's message.

MBA CLE

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

December

Tuesday, December 5
Second Annual Ethics Tune-Up
Mark Fucile

Wednesday, December 6
Bridging Generations
Catherine Brinkman
Thom Brown
Jo Smith
Kelly Struhs
Valerie Tomasi

Tuesday, December 12
A Business Case for Diversity
Steve Hanamura
Note: From 2 to 5 PM
Worth 3 EOB Credits

Wednesday, December 13
Child Abuse Reporting
Sylvia Stevens
Note: Noon to 1 p.m.

Thursday, December 14
Employment Law Update
A. Luis Lucero Jr.
Doug Parker
Shelley Russell

January

Wednesday, January 24
Litigating Elder Abuse Cases
Cindy Barrett
Richard Braun
Richard Vangelisti

February

Thursday, February 1
Forensic Accounting
Rick Martson
Jay Sickler

Tuesday, February 6
Enforcing Judgments in Family Law Cases
Mark Kramer

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MBA open house mark your calendars January 18

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Refreshments will be served.

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*or the preceding Friday, if on a weekend.

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NEW ON THE SHELF

By Jacque Jurkins, Multnomah Law Librarian.

MAKING PARTNER: A guide for law firm associates, 3rd ed. by Alexander P. Fraser. Published by the ABA. Law Practice Management Section, 2006. (KF300 S36 2006)

INFORMATION SECURITY FOR LAWYERS AND LAW FIRMS edited by Sharon D. Nelson, David Isom and John W. Simek. Published by the ABA Section of Science and Technology Law and Law Practice Management Section, 2006. (KF320 A9 I54)

BANKRUPTCY DESKBOOK, 4th ed. by William C. Hillman and Margaret M. Crouch. Published by the Practising Law Institute, 2006. (KF1524 H54 2006)

BANKRUPTCY REFORM 2006: The new basics of bankruptcy law. Course materials from the September 15, 2006 Oregon Law Institute program in Portland. (*KF1524 O7 O73br 2006b)

BANKRUPTCY REFORM 2006: Beyond the basics. Course materials from the September 15, 2006 Oregon Law Institute program in Portland. (*KF1524 O7 O73br 2006a)

OREGON WORKER'S COMPENSATION LAW 2006: Essentials & ethics. Course materials from the September 22, 2006 Oregon Law Institute program in Portland. (*KF3615 O7 O73o, 2006)

RESTATEMENT OF THE LAW (THIRD) AGENCY. Adopted and promulgated by the American Law Institute at Philadelphia, PA., May 17, 2005. (KF395 A45a 2006)

HARPER, JAMES, AND GRAY ON TORTS, 3rd ed. by Fowler V. Harper. Fleming James and Oscar S. Gray. Published by Aspen, 2006. (KF1250 H37 2006)

NYSE ARCA GUIDE: Official publication of the NYSE ARCA. Published by CCH Securities Compliance Library/Wolters Kluwer Financial Services, 2006. (KF1068.4 N48)

INVESTMENT ADVISOR REGULATION: A step-by-step guide to compliance and the law, 2d ed. by Clifford E. Kirsch. Published by the Practising Law Institute, 2006. (KF1078 K57 2006)

ACCOUNTING IRREGULARITIES AND FINANCIAL FRAUD: A corporate governance guide, 3rd ed. edited by Michael R. Young, Jack H. Nusbaum. Published by CCH, 2006. (KF1446 A33 2006)

CONSTRUCTION ARBITRATION HANDBOOK, 2d ed. by James Acret. Published by Thomson/West, 2006. (KF902 A37c 2006)

ACHIEVING PERMANENCY FOR ADOLESCENTS IN FOSTER CARE: A guide for legal professionals edited by Sharon G. Elstein, Claire Sandt Chiamulera and Sally Small Inada. Published by the ABA, 2006. (KF3736.5 A92)

ADMINISTRATIVE LAW AND PROCESS IN A NUTSHELL, 5th ed. by Ernest Gelhorn and Ronald M. Levin. Published by Thomas/West, 2006. (KF5402 G45 2006)

CALENDAR

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

December

5 Tuesday, MBA Board meeting

Tuesday, MBA CLE Ethics Tune-up
See insert or register at www.mbabar.org.

6 Wednesday, MBA CLE Bridging Generations
See insert or register at www.mbabar.org.

8 Friday, January Multnomah Lawyer deadline

12 Tuesday, MBA CLE – Diversity and Sound Business Practices
See insert or register at www.mbabar.org.

Tuesday, YLS Board meeting

13 Wednesday, MBA CLE Child Abuse Reporting
See insert or register at www.mbabar.org.

Wednesday, YLS Drop-in Social/Toy Drive at Jax
See details on p. 10.

14 Thursday, MBA Brown Bag Discussion – Civil Motions Panel
See p. 8 for details.

Thursday, MBA CLE Retaliatory Termination
See insert or register at www.mbabar.org.

20 Wednesday, Multnomah Bar Foundation Board meeting

25-26 Monday-Tuesday, Holiday MBA closed

January

1 Monday, New Year Holiday MBA closed

2 Tuesday, MBA Board meeting

9 Tuesday, YLS Board meeting

10 Wednesday, February Multnomah Lawyer deadline

15 Monday, Martin Luther King Jr. Holiday – MBA closed

18 Thursday, YLS Young Litigators Forum series begins
See insert or register at www.mbabar.org.

Thursday, MBA Open House, 4-6 p.m.

February

3 Saturday, WinterSmash – A Family Friendly Bowling Event to benefit Multnomah CourtCare
Details on p. 7.

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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

Hazardous Duty Revisited: *Reynolds v. Schrock*



In my May 2005 column called "Hazardous Duty," I wrote about a significant lawyer liability decision then newly issued by the Oregon Court of Appeals: *Reynolds v. Schrock*, 197 Or App 564, 107 P3d 52 (2005). In *Reynolds*, the Court of Appeals held that a lawyer could be held liable to a nonclient for knowingly assisting a client in breaching a fiduciary duty to the nonclient. The startling element of *Reynolds* was that the assistance could come in the form of lawful legal advice to the client that the client then used to breach the fiduciary duty to the nonclient. Even the Court of Appeals acknowledged that its decision had "serious implications for attorneys." The Supreme Court took review of *Reynolds* late last year and on September 8 reversed (341 Or 338, 142 P3d 1062).

The Supreme Court's decision in *Reynolds* is itself a significant lawyer liability case in two respects. First, it created a shield from liability for assisting in the breach of a fiduciary duty when, like the facts before it, the "assistance" comes in the form of providing a client with lawful advice within the scope of a lawyer-client relationship. Second, the Supreme Court reaffirmed its own earlier decision in *Granewich v. Harding*, 329 Or 47, 985 P2d 788 (1999), where it announced the more general proposition that a lawyer could be held liable for assisting in breaching a fiduciary duty to a third party if the lawyer was acting outside the scope of advising the lawyer's client. In this column, we'll look at both facets of the Supreme Court's *Reynolds* decision.

Liability Shield. In reversing the Court of Appeals, the Supreme Court in *Reynolds* recognized a privilege against liability for a lawyer assisting in a client's breach of fiduciary duty. The Supreme Court found that both Section 890 of the Restatement (Second) of Torts and prior Oregon case law suggested that in some narrow circumstances a shield from liability should be recognized to protect important public policy goals. It then found

that protection of the lawyer-client relationship was one such goal. In particular, the Supreme Court stressed the importance of having a lawyer's advice unhindered by the prospect that the lawyer might be sued by a nonclient for rendering the advice involved to the lawyer's client. As the Supreme Court put it: "We extend those well-recognized principles to a context that we have not previously considered and hold that a lawyer acting on behalf of a client and within the scope of the lawyer-client relationship is protected by such a privilege and is not liable for assisting the client in conduct that breaches the client's fiduciary duty to a third party." 341 Or at 350. The Supreme Court then listed several factors necessary for the shield to apply, including: (a) the lawyer's advice must be given in the context of a lawyer-client relationship; (b) the lawyer must be acting consistent with the client's interest and not simply for the lawyer's self-interest; and (c) the lawyer must be advising the client on lawful conduct.

Continuing Risk. The Supreme Court's decision in *Reynolds* left open an important area of continuing risk for lawyers. In reversing *Reynolds*, the Supreme Court both distinguished and adhered to its own earlier decision in *Granewich*. The lawyers in *Granewich* were retained to represent a closely held corporation. Later, the lawyers were alleged to have also begun offering advice to the corporation's two majority shareholders on how to "squeeze out" a third shareholder. The minority shareholder sued the two majority shareholders for breach of fiduciary duty and sued the lawyers for assisting in that breach. The Supreme Court held in *Granewich* that lawyers could be held liable for assisting in a breach of fiduciary duty – at least when, as was the case there, the advice was given to nonclients like the majority shareholders. Although the Supreme Court's decision in *Reynolds* creates a shield when advising fiduciaries, the Supreme Court's reliance on *Granewich* underscores that

ANNOUNCEMENTS

Consider Year-end Gift to Multnomah Bar Foundation

Please consider making a year-end gift to the Multnomah Bar Foundation (MBF). The MBF is dedicated to funding programs and projects that encourage respect for the rule of law, promote civic education and public participation and projects related to the law. Please look for a donation form inserted in this issue or call 503.222.3275.

2007 MBA Professionalism Award Nominations Sought

Do you know a lawyer who is a joy to work with, someone who goes above and beyond the minimum professionalism standards? Nominate him or her for the 2007 MBA Professionalism Award.

Any MBA practicing attorney member, except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award. Former nominees may be re-nominated. For more information and a nomination form, go to www.mbar.org.

Queens Bench Luncheon

The 16th Annual Judges' Holiday Luncheon will be held

on Tuesday, December 12 at the Queen Marie Ballroom at the Embassy Suites Hotel from 11:45 a.m. to 1 p.m. The speaker will be the Hon. Darleen Ortega of the Oregon Court of Appeals.

Oregon Hispanic Bar Association (OHBA) News

The new board includes Elvia Aguilar, who joins Kevin Díaz, incoming OHBA President; Aukjen T. Ingraham, incoming OHBA Vice President; Susan Felstiner, incoming OHBA Treasurer; Judith A. Parker, incoming OHBA Secretary; Román Hernández; Marisol McAllister; and Antonio Gonzalez.

MBA Noontime Bicycle Rides

Meet at SW Yamhill and Broadway between noon and 12:10 p.m. on Mondays and Thursdays. Contact Ray Thomas 503.228.5222 with questions.

Attorney Basketball League

All members of the bar and law students are eligible to join. Teams and individuals are welcome. The cost is to be determined, but approximately \$1,000 per team. An informational meeting is December 7 at noon at Schwabe Williamson & Wyatt. The league will start in January and games will be on Sunday

evenings, continuing into March. Contact person and league organizer is Nathan Wilson, 503.710.1720, nbwilson@qwest.net.

MBA Open House

Mark your calendars for the annual MBA Open House on January 18, 4-6 p.m. Stop by and catch up with friends.

Holiday Sponsors Wanted

Ten holiday giving sponsors wanted for ten families consisting of mothers with children who are actively transitioning from incarceration to self sufficiency. The children are especially in need of coats, hats and scarves and of course a few toys. Seize the opportunity to help mothers making positive changes! No need to shop. Susan Ziglinski, Community Development Coordinator, for Multnomah County Community Justice, will do all of the shopping and wrapping. Please call Sue at 503.988.3820 or 503.784.8776 for more information. Sponsorship is \$250 per family. Send check addressed to Multnomah County TSU at 421 SW 5th, 3rd Floor, Portland, OR 97204.

the risks identified in that more common situation remain. Lawyers advising closely held corporations, family groups, partnerships and other joint ventures are often put in situations which invite them to step beyond their role as lawyers for the entities involved and to give advice to individual shareholders, family members or partners, as was the case in *Granewich*. Under *Reynolds*, lawyers in that situation would not have the protective shield of privilege for advice beyond their clients.

Reynolds and *Granewich* reinforce what was already good advice: Clearly spell out in an engagement letter which party the lawyer represents and then act in a manner consistent with that agreement.

Mark Fucile of Fucile & Reising handles professional responsibility, regulatory and attorney-client privilege matters and law firm related litigation for lawyers. His telephone and email are 503.224.4895 and mark@frllp.com.

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A Common Sense Approach to Avoiding Malpractice Claims

By Michael A. Greene, Rosenthal & Greene.



The practice of law is a profession. Lawyers are professionals. As professionals, we work in a field where our stock-in-trade is making decisions and giving advice. For a variety of reasons, we may make decisions and give advice that is incomplete or incorrect, especially with hindsight.

The purpose of this article is to share a workable approach to avoiding or minimizing malpractice claims. Although there is no single factor that will prevent mistakes, there are a number of guidelines which will not only enhance your performance as a professional but will help you handle the consequences of any mistakes. Making mistakes goes with the territory of being a lawyer. It is how you handle those mistakes that determines the consequences.

These comments are the product of the review of thousands of potential malpractice claims and the handling of hundreds of such claims over a period of 25 years. These include many different substantive areas of law and concern a wide variety of lawyer mistakes.

During the relationship with any client, there are basically two stages, *i.e.*, before you are hired and after you are hired. The guidelines for avoiding or minimizing malpractice are different for each stage.

Before you agree to represent a client, the focus is on being able to create a workable, enduring client relationship and on the quality of the matter you are being asked to handle. At this stage there are four guidelines:

1. **Look before you leap.** Carefully and thoroughly evaluate a matter before you agree to take the matter. If in doubt, don't take on the matter. Usually the most important time you spend is the time you invest to evaluate the clients and the matter. If case selection is the key to a successful practice, then careful evaluation is the indispensable prerequisite. Your professional intuition based on your experience will be your best guide in case selection. Saying

"no" is as important as saying "yes." Check out both the client and the matter before you say "yes."

2. **Stay within yourself.** Handle matters within your experience and expertise, or get appropriate help. It can be dangerous to venture into a new area without help from someone who is knowledgeable in that particular area. Professional growth should not be at the expense of a client. The key to professional growth and success is often being willing to ask for help.

3. **Connect with your client.** It is important to understand your client before you agree to representation. If you do not feel comfortable with the client, you should not represent him or her. Again, your intuition is your best guide. Your gut reaction to the client is usually a good indicator of how other people will react. It is difficult to convince someone to help your client if you are not connected with and don't understand your client.

4. **Manage client expectations.** Managing expectations is not only essential, but often difficult. Avoid creating unrealistic expectations in your efforts to

get the business. Be careful not to promise too much too soon with too little information. Resist giving a quick opinion. Concentrate on the process to develop and evaluate the case, not on specific results. Provide only a broad range of estimated fees and costs if it is an hourly rate matter. Circumstances usually change, forcing reevaluation. Manage the scope of engagement with an engagement letter that explains what your representation includes, and, if important, what it excludes. Don't forget a disengagement letter when your representation is finished.

After you agree to representation, the focus shifts to controlling the relationship and staying on top of the matter you are handling. In this stage, there are five guidelines to help avoid or minimize malpractice:

1. **Exercise client control.** Try to create an atmosphere in which you can speak frankly with your client. It is important to anticipate and address problems so no one is surprised. It is best to give the client a variety of options along with your recommendation, but only after the due diligence of

Continued on page 6

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Avoiding Malpractice Claims

Continued from page 5

adequate factual investigation and legal research. If you and the client repeatedly disagree on significant issues, you should consider stopping the representation, as long as you can do so without any prejudice to the client. Don't ignore problems either in your relationship or with the matter you are handling. Deal with problems sooner rather than later. The client has the responsibility to make the big decisions, but the strategy and tactics usually belong to the lawyer. The client should set the goal, but the lawyer should determine how to get there. Client micromanagement almost always leads to attorney-client problems. Always try to act like a professional. The higher your level of professionalism toward your opponent, the lower the risk of claims. Sharp, unnecessarily aggressive practice often encourages your client to act likewise towards you.

2. **Document everything.** It is important to document all advice and every decision, either with letters to the client or with notes in the file. Letters to the client are best on critical decisions, particularly those involving case evaluation and settlement. Notes are helpful to flesh out the circumstances of the advice or decisions. The passage of time can dim or distort memory of what actually happened and why. Documentation not only can help the client make a better, informed decision, but also tells the client that you are keeping track of what is going on.

3. **Docket everything.** Calendar all dates, deadlines and file-review followup in multiple, redundant systems. You cannot look at a file too often, only too little. It is impossible to remember the time deadlines in each file. It is important that any docket system have redundancy, *i.e.*, multiple ways in which deadlines are brought to your attention and other persons who also check the docket. An effective computer system can be particularly helpful. There are more malpractice claims because of missed deadlines than any other single reason. This type of malpractice is entirely preventable.

4. **Provide customer service.** The client is a customer. The lawyer is a service provider. Follow the "golden rule" treat a client as you would like to be treated. In general, the more time you spend with the client, usually the better your relationship will be. Certain key practices will enhance that relationship: return phone calls as soon as possible; keep clients regularly posted on developments with copies of work; and don't keep clients waiting. The cumulative effect of such treatment always pays dividends when the going gets tough. Actions always speak louder than words. Courtesy goes a long way. Suing a client for unpaid fees causes that client to more critically examine your

services, looking for a reason not to pay. Frequently a dissatisfied client is not allowed to turn-the-page because of an aggressive effort to collect unpaid fees.

5. **Disclose mistakes.** Your professional relationship with a client requires you to disclose material mistakes. You can get good advice from the PLF on how best to do this. Ignoring a problem doesn't make it get better or go away. Cover-up efforts only exacerbate the problem and anger the client. Many former clients come to me angry with a lawyer for a perceived cover up or discourteous treatment. This conduct destroys trust and virtually ensures that the client will go to someone for advice about a malpractice claim or ethics complaint. Remember, as professionals, we make mistakes. It is how we handle those mistakes that usually determines how the client responds.

The above guidelines and comments focus on nurturing an attorney/client relationship. Clients who connect with and respect their lawyer will be far less likely to make a malpractice claim.

Michael A. Greene may be reached at Rosenthal & Greene at 503.228.3015.

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.

Clarke Balcom
Bruce Brewer
Thomas Coan
Daniel Cross
William Dozier Jr.
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Steven Goss
Herbert Grey
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Deborah Hewitt
Kathryn Jackson
Clinton Jones
Richard Lonergan
Sue-Del McCulloch
John McIntyre
Patrick O'Malley
Deborah Trant
Evans Van Buren Jr.

Wealth Accumulation and Preservation for MBA Members

By Mary Osborne, MasterCare Solutions.

You've spent a lifetime accumulating financial resources for your future. You have seen good times come and go, and have weathered the storms. Now, the future is here. You've done everything you could to plan properly but your biggest problem may be lurking in something you did not do - the number one mistake investors are making today is failing to consider long-term care needs*. For a couple aged 65, there is a 60% chance one will need long-term care in their remaining lifetime**. Today the reality is the annual cost of care in a long-term care nursing facility runs on average \$70,080 annually. However, in 30 years when today's 50 year old turns 80, the average annual cost could run between \$302,815 and \$847,883 for the 2.8 year average stay***.

As you consider how to manage this risk, you should also be aware of the most economical way to purchase coverage through your MBA Long-Term Care Insurance Program. These

advantages include discounted premiums and streamlined underwriting, and the federal and a growing number of state tax codes are allowing businesses to deduct tax-qualified long-term care insurance premiums. Recognizing the government cannot pay the bill for care, tax incentives are being offered to encourage Americans to take personal responsibility for their long-term care needs. The good news for MBA members is that significant tax advantages and discounts exist in purchasing coverage through your association.

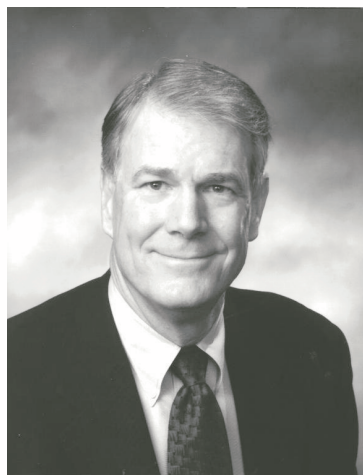
To find out more about your MBA Long-Term Care Insurance Program, contact Mary Osborn at MasterCare Solutions, Inc. at 503.998.5902, Fax 503.627.9997.

*Wall Street Journal, October 22, 2002

**Conning and Company, LTCI 1999

***GE and Evans Independent Research, July 31, 2003

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AROUND THE BAR



Sindy M. Maher

DUNN CARNEY ET AL
Sindy M. Maher joined the firm as an associate. Maher will practice real estate law.

SCHWABE WILLIAMSON & WYATT

The following attorneys were named in the 2007 Best Lawyers in America, a list published biennially since 1983 by Woodward/White Inc. David F. Bartz Jr., Environmental Law; William B. Crow, Commercial Litigation; Joyle C. Dahl, Tax Law; Robert D. Dayton, Trusts and Estates; Patricia M. Dost, Environmental Law; Thomas V. Dulcich, Commercial Litigation; John R. Faust Jr., Appellate Law, Commercial Litigation; Jill S. Gelineau, Eminent Domain and Condemnation Law; John D. Guinasso, Real Estate Law; Jan K. Kitchel, Personal Injury Litigation.



Vincent P. Cacciottoli

LAW OFFICES OF VINCENT P. CACCIOTTOLI

Vincent P. Cacciottoli has been elected a Fellow of the American College of Employee Benefits Counsel. Of the 287 Fellows nationally, four, including Cacciottoli, are currently actively practicing in Oregon. He is also listed in *The Best Lawyers in America* (2007) for his specialty in employee benefits.



Sharon Bolesky

LANE POWELL

The following attorneys have been named as Oregon Super Lawyers in the November 2006 issue of *Oregon Super Lawyers* magazine, published by *Law*

& Politics magazine. Anne W. Glazer, Intellectual Property; Lewis M. Horowitz, Tax; David G. Hosenpud, Employment Litigation; Neil D. Kimmelfield, Tax; Jeffrey W. Knapp, Employee Benefits/ERISA; Robert E. Maloney Jr., Business Litigation; Bryan E. Powell, Real Estate; Vicki L. Smith, General Litigation; Thomas W. Sondag, Appellate; Leigh D. Stephenson-Kuhn, Employee Benefits/ERISA; Steven B. Ungar, Criminal Defense - White Collar; Jack C. Walsh, Employee Benefits/ERISA; Karen M. Williams, Real Estate.

Sharon Bolesky has joined the firm as an associate in the Labor and Employment Practice Group.

BULLIVANT HOUSER BAILEY

The firm's 2006 Oregon Super Lawyers are John P. Ashworth, Business Litigation; John A. Bennett, Insurance Coverage; Darin S. Christensen, Tax; Ronald J. Clark, Insurance Coverage; Stephen F. English, Business Litigation; David A. Ernst, Personal Injury Defense: Products; Kimball H. Ferris, Business/Corporate; Douglas G. Houser, Insurance Coverage; Stuart D. Jones, Insurance Coverage; John M. Junkin, Real Estate; John T. Kaempf, Personal Injury Defense; Lisa E. Lear, Appellate; Daniel R. Lindahl, Appellate; Robert B. Miller, Employee Benefits/ERISA; Loren D. Podwill, Business Litigation; Renée E. Rothauge, Intellectual Property Litigation; Ronald G. Stephenson, Personal Injury Defense: Medical Malpractice; Margaret Van Valkenburg, Insurance Coverage; Timothy J. Wachter, Estate Planning & Probate; Richard J. Whittemore, Personal Injury Defense: Products; Joel Wilson, Professional Liability, Defense.



Albert Menashe and Dave Markowitz



J. Matthew Donohue

MARKOWITZ HERBOLD ET AL

Wine lovers from the legal and business communities came together on October 17 to enjoy fine wine and to raise more than \$45,000 for legal services for low-



Cynda Herbold

income families. The Markowitz Wine Tasting & Auction, held at the University Club, benefited St. Andrew Legal Clinic, a nonprofit law firm supporting low-income families in Multnomah, Clackamas, Washington and Columbia Counties.

After a champagne reception, the 65 attendees tasted 12 wines hand-selected by the event host, Dave Markowitz. Guest auctioneers Albert Menashe from Gevurtz Menashe et al and Dennis Rawlinson from Miller Nash joined Markowitz in auctioning off 24 spectacular wine lots, including a 1945 Fonseca port and two bottles of Andre Agassi's favorite wine, Sassicaia, which were autographed by the tennis star.

At its fall conference, Oregon Women Lawyers (OWLS) recognized the firm as the recipient of the first OWLS Workplace Leader Award. OWLS created the award to recognize legal employers who are taking innovative measures to maximize opportunities for women and minorities to succeed in the workplace and advance to positions of influence and leadership. The firm was honored for its outstanding efforts to promote a healthy work/life balance by facilitating and respecting flexible time commitments, by creating real opportunities for part-time lawyers, and by the firm's commitment to generous parental leave for all of its employees.

J. Matthew Donohue has joined the firm as an associate, where his practice will focus on complex commercial litigation, with an emphasis on entertainment and sports law.

Firm administrator Cynda Herbold has joined the Board of Directors of Cancer Care Resources, a nonprofit, community-based service that offers support to anyone in the Portland/Vancouver area who is dealing with cancer. Cancer Care Resources staff, composed of oncology trained nurses, social workers and therapists, conducts personal assessments of people diagnosed with cancer in order to help identify problems and construct a plan to improve their quality of life.

As the administrator and business manager of the firm, Herbold handles the day-to-day operations and financial management of the firm. She has filled this role since the firm was founded in 1983 by Dave Markowitz and her sister, Barrie Herbold, who lost her battle against cancer in 2001.



Richard Vangelisti

VANGELISTI KOCHER
Richard Vangelisti has been selected to serve as a Ninth

Circuit Representative for a three-year term. Richard is a partner in the plaintiff's personal injury firm.

CABLE BENEDICT ET AL
Don Haagensen has been elected Chair of the Governing Board of the Oregon Department of Geology & Mineral Industries. The board is the five-member policy and rulemaking body for the Department, responsible for developing a geologic understanding of natural hazards including earthquakes, tsunamis, landslides, floods and volcanic eruptions and for regulating mineral development in Oregon.

The *Around the Bar* column reports on MBA members' moves, transitions, promotions and other honors within the profession. Items may be submitted by email to carol@mbabar.org and are edited to fit column format and used on a space-available basis.

Have You Renewed Your MBA Membership?

Thank you for being an MBA member. By now, you should have received your renewal notice in the mail. All you need to do is return your renewal form with payment, to continue to receive the wide range of benefits the MBA provides. If you have misplaced your form, you may find one at www.mbabar.org. Or, you may now renew online. Here are just a few reasons to continue your membership:

- Excellent, affordable and convenient CLE seminars;
- Social events and committees that provide rewarding ways to network with other attorneys;
- Resources such as the *Multnomah Lawyer* newsletter and Web site, www.mbabar.org, which keep you up-to-date on developments affecting the legal community;
- Member discounts from LexisNexis, Legal Northwest Staffing Specialists, The Naegeli Reporting Corporation, Bank of the Cascades, Kimpton Hotels nationwide including 5th Avenue Suites Hotel and Hotel Vintage Plaza, MBNA/Bank of America MasterCard, ABA publications, Office Depot, Oregon Ballet Theatre and the Portland Opera; and
- MBA member group health, life, disability and long-term care insurance plans at competitive rates.

If you would like more information about the benefits of MBA membership, please call Noëlle Saint-Cyr at 503.222.3275 or visit www.mbabar.org. We look forward to serving you in 2007.



MULTNOMAH BAR ASSOCIATION 5th Annual wintersmash

A Family Friendly Bowling Event
Saturday, February 3
6-9 p.m.
20th Century Lanes
3350 SE 92nd

10 minutes from downtown Portland.
A Multnomah CourtCare fundraiser.

Mark your calendar, gather your team and look for more details in upcoming issues of the *Multnomah Lawyer*.

If you would like to sponsor the event or donate a raffle item, please contact Kathy Maloney at the MBA at 503.222.3275 or kathy@mbabar.org.

Tips from the Bench

By Judge John Wittmayer, Multnomah County Circuit Court.

Jury instruction requests

The procedures and rules related to jury instruction requests are set forth in Uniform Trial Court Rule 6.060 and Multnomah County Supplementary Local Rule 6.015(4). Unfortunately, it seems to be unusual instead of common for a trial lawyer to understand her/his obligation to comply with these rules.

UTCRC 6.060(1) and (2) require that jury instruction requests be submitted in writing, an original and one copy for the court, and that they be delivered concurrently to opposing parties. SLR 6.015(4) requires that they be submitted to the trial judge “by noon of the day of trial assignment at daily call by the presiding judge.” If the trial assignment is made after daily call, they need not be submitted by noon on the day of assignment. Practice tip: bring your proposed jury instructions, verdict form, trial memorandum, etc. to daily call with you, so you can deliver them to the assigned judge before you leave the courthouse after call.

In civil cases, it is very common for lawyers to request both UCJI 13.01, Pleadings and Issues, and UCJI 13.02, Summary of Pleadings Not Evidence (To Be Used After Summarizing Pleadings). But, it is very rare for a lawyer to actually submit with these requests a proposed summary of the pleadings for the judge to read to the jury. It is a



waste of everyone’s time for the lawyers and the judge to try to work out an agreed summary of the pleadings right before trial or right before the judge instructs the jury. Practice tip: the lawyers should confer in advance, agree on a summary of the pleadings, and submit to the court an agreed upon summary of the pleadings along with their jury instruction requests.

Another common problem with jury instruction requests is that when a lawyer requests a uniform jury instruction, the lawyer does not include in the request the material that is to be filled into any blanks in the uniform instruction, and/or does not include in the request which of several alternative choices in the uniform instruction the lawyer is requesting. UTCRC 6.060(3) requires this variable information be submitted to the court with the request for any uniform instruction.



By Marc Abrams, Oregon DOJ, Trial Division and Court Liaison Committee member.

Presiding Judge’s Report

Judge Koch informed the committee that Judges Beckman and Welch will be stepping down at the end of the year and that Judge Bergman will be retiring early in 2007. Judge Koch described the recently revamped MBA screening process, in which individuals considered “highly qualified” now retain that ranking for three years.

Doug Bray reminded the committee that the Civil Bench/Bar roundtable is set for December 14 during the lunch hour in the Presiding Judge’s Courtroom. The brown bag is a chance for judges and practitioners to talk to each other about matters of mutual interest.

Judge Koch reported on the jointly sponsored MBA/Circuit Court Open House for legislators and candidates held on October 25 in the courthouse. This was the fifth annual legislative open house. The open house featured a forum focusing on sentencing and the absence of resources for alternative sanctions to jail or prison.

Judge Koch announced that Judge Adrienne Nelson will be taking a family court assignment to replace Judge Elizabeth Welch. Judge Nan Waller has been named Chief Family Law Judge and Judge Tennyson will be the Chief Probate Judge. Judge Tennyson will oversee probate cases in addition to her other

responsibilities as a member of the Family Court, and probate will remain a part of the Family Court’s responsibility.

Old Business

Judicial Practices Survey: The judicial practices survey subcommittee reported that they will meet with Judges Wittmayer and Wilson. The feedback they have received from the judiciary so far is that the current survey is too long, and, as a result, they have a shorter draft. The subcommittee will provide the committee with a report and a draft of the survey at the next meeting.

Another Successful Legislative Open House

Wednesday, October 25, the Multnomah County Circuit Court, with the assistance of the MBA, held its fifth joint annual Legislative Open House. Sentencing options were reviewed with candidates and legislators, who took to the jury box to assist the “judge” in sentencing a “defendant” in a role-playing exercise. Thanks to Judge Jean Maurer for coordinating this well-received event.



Another Successful Absolutely Social

About 200 lawyers, judges, sponsors and law school students gathered at The Benson Hotel on October 19 for the fall “Absolutely Social” Social - The Grape Escape. The event featured wine tastings from three Oregon wineries. Thank you to Albert Menashe and David Markowitz for selecting the wines. Canned food and cash donations were collected for the Oregon Food Bank - thanks to all those who contributed!

Thank you to the generous sponsors

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Andrew Schpak, Amber Hollister, Lainie Dillon and Megan Walseth



Troy Moody, Marsha Naegeli, David Markowitz and Renee Stineman

Judges Gernant and Wyers Retire from Bench

By Stephen Madkour, Multnomah County Attorney's Office and Court Liaison Committee member.

Earlier this year, Multnomah County Circuit Court Judges David Gernant and Jan Wyers announced their retirements from the bench. The MBA extends its thanks and appreciation to both Judge Gernant and Judge Wyers for their years of service to the bench, the bar and the citizens of Multnomah County.

Judge David Gernant began his judicial career in Washington County where he served as a pro tem judge. He began his service in Multnomah County in 1993 when he was appointed to the district court by Governor Roberts. He subsequently was elected to the circuit court.

Judge Gernant is a Michigan native. He attended Western Michigan University and attended Harvard Law School where he studied evidence with (now) Supreme Court Justice Stephen Breyer. Judge Gernant's public service began shortly afterwards through a position with the US Department of the Interior, and then serving as legal counsel to the Oregon Appellate Courts and state court administrator. He later was in

private practice, primarily as an appellate attorney. Throughout his career he remained heavily involved in local politics and community events, including as a precinct commander and a gay rights advocate.

Judge Gernant is quick to admit that being a judge is a "wonderful job" and reflects on his years on the bench as "very satisfying." He will miss the community and atmosphere at the courthouse, "it's a very friendly group and we are all very proud with what we are doing."

Although he has retired from the bench, Judge Gernant "wants to do more" and expects to stay active and involved. Toward that end, he plans to explore possible employment opportunities in either charitable or political organizations. The first order of business, however, is to finalize his travel plans. At his retirement party, a world map was posted identifying Judge Gernant's more immediate destinations, which include Mexico, Morocco, Spain, France, Amsterdam and then two months in Vietnam and its surroundings. True to form, on his first official day of

retirement, he returned to his home state of Michigan to visit family and friends. Gernant also looks forward to spending more time with his children and grandchildren, as well as reading, culture and mastering the game of bridge.

Judge Jan Wyers has also retired from the bench. He was raised in Hood River, where both his parents were actively involved in community affairs. His father was a state legislator, district attorney and judge, while his mother was active in a number of community affairs. Judge Wyers, in turn, has devoted much of his professional life to public service in Oregon, having first served in the Oregon Senate for 12 years and then later being elected to the bench in 1998. He graduated from the U of O and Lewis & Clark Law School.

During his tenure on the bench, Judge Wyers cites the Naito family dispute as the most publicized case over which he presided. He recalls the case settling after having ordered the parties to attend counseling. During his tenure, he was also appointed to the judicial outreach committee by Judge Koch. Judge Wyers reflects with

great satisfaction in having helped shepherd in the judicial outreach program within the county. "You really need to increase community involvement. The courts are part of that team, we are not just calling the balls and strikes."

Since retiring in July, Judge Wyers has taken time to enjoy his family and friends. He was especially pleased to have the time to celebrate his mother's 90th birthday. Retirement has also afforded Wyers the time to enjoy his other interests, such as gardening, golf and reading. He states that "so far it doesn't feel like retirement; it's more like a sabbatical." Not surprisingly, he remains active in the law and has already served as a mediator in a case. Wyers views his time on the bench as an incredible opportunity, calling it the "highest honor."

The retirement of Judges Gernant and Wyers resulted in two of the three open seats on the Multnomah County Circuit Court that were filled by this month's mid-term election. Leslie Roberts was elected to fill Judge Wyers' vacancy and Cheryl Albrecht was elected to Judge



Judge David Gernant



Judge Jan Wyers

Gernant's vacancy. This year has seen an unusually high number of judges electing to retire. In addition to the Judge Gernant and Judge Wyers retirements, Judges Elizabeth Welch and Douglas Beckman have also announced their retirements.

On Growing Old

By Randall Kester, Cosgrave Vergeer Kester
Written on the occasion of his 90th birthday, October 20, 2006.

Old age is a drag. Of course there is truth in the old saying that "It's better than the alternative." But it's still a drag.

It has some good features. People are nicer to you when they see your grey hair – or maybe it's because they see you using a cane. They smile at you when they meet you as you totter along the street – or maybe it's just that they find it amusing. They offer you precedence at doors and on elevators – but stay clear of those revolving doors! They get you wheelchairs at airports. Sometimes they give you reduced prices. And some of them even listen respectfully when you speak. But it's still a drag.

When a major focus of your life has been outdoor physical activity, such as hiking, climbing, skiing, bicycling, canoeing, whitewater rafting, and the like, it is deeply depressing to be unable to participate as formerly. And that's apart from the pain and disability that prevents such activities. It's tough to be reluctant to drive at night, thus missing out on concerts, shows, parties and meetings that you'd really like to attend. And it's mighty inconvenient to need a cane and hearing aids. When part of your culture has been helping others, it brings embarrassment and even a little guilt to be accepting help from others. The exchange of dexterity for clumsiness and self-reliance for dependence is no bargain.

To some extent, the diminished physical activity can be balanced off by maintaining mental activity – more reading, maybe a little writing, and continued attendance at the office notwithstanding retirement. But while this may stave off mental deterioration, it's not a complete substitute.

When you forget a friend's name, or can't remember why you came into this room, you wonder "Is this the beginning of Alzheimer's?" And when your trembling hand spills the coffee,

you think "Is this Parkinson's?" When your loving spouse says "Relax and accept it," you respond, "Of course, what else can I do?" But you don't have to like it. It's still a drag.

As somebody famous (whom I can't remember) once said: "Old age is not for sissies." But there are times when the pure joy of living makes it all worthwhile, especially with a loving family.

Old age is no place for sissies.
Bette Davis



Randall Kester (MBA President, 1956-57) on a hike with his wife Rachael, 1941. Randall and Rachael recently celebrated their 90th birthdays and their 66th wedding anniversary.

2006 Oregon Minority Job Fair

On behalf of students from Lewis & Clark Law School, the U of O School of Law and Willamette University College of Law, we wish to thank the following employers for their participation in the 2006 Oregon Minority Job Fair.

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Special thanks to Perkins Coie for hosting this year's fair.

For information, contact Molly Allison, President, Minority Law Student Association, Lewis & Clark Law School, mallison@lclark.edu.

YLS Peer-to-Peer Program Ready for Second Annual Orientation

By Megan Welch, Parsons Farnell & Grein and YLS Professional Development and Education Committee member.

On January 25, from 5:30-7 p.m. at the Red Star Club Room, the YLS Professional Development and Education (PDE) Committee will be hosting its annual program orientation for the Peer-to-Peer Program. This is the third year for the program and the PDE Committee is expecting it to be a continuing success.

The Peer-to-Peer Program was created by the PDE Committee in the hope of providing an alternative forum for young lawyers and those who are new to the legal profession to solicit advice from and provide support to their contemporaries. The goal of the program is to facilitate the formation of groups of mature and young lawyers who, besides having in common their status as new lawyers, practice in the same area of the law. This year there are eight groups that participants can choose from: Estate Planning, Business Litigation, General Civil Practice, Criminal Law, Employment Law, Defense Litigation, Business and Corporate Law and Mature New Lawyers. Of course, another goal of the program is to provide busy new lawyers with an excuse to get out of the office and meet their peers in a casual setting.

By bringing together new lawyers with similar practices, the program creates a support network for those who participate. Group members are there to answer questions about anything from keeping track of billable hours and what to expect in annual performance reviews, to the best way to allocate income and loss among partners or the appropriate form for a particular

pleading or motion. These may be questions that new lawyers in big firms feel uncomfortable asking their co-workers, or questions that sole practitioners have no one else to ask.

The role of the PDE Committee at the program orientation is to help each group get off of the ground. At the event, groups will get a chance to meet for the first time and talk about what it is that they want to get from the program. A PDE Committee member will work with each group and assist in the development of a communication or meeting structure that works

best for the group's members. In the past, groups have set up a listserv or an interactive Web site to facilitate communication between group members. Other groups found it helpful to schedule a monthly time to meet for lunch or drinks. The form of the group's interaction and how it develops over the year is shaped by the needs, interests and desired level of involvement of its members.

If you are interested in joining the Peer-to-Peer Program, please contact Noëlle Saint-Cyr at the MBA, noelle@mbabar.org or 503.222.3275.

The YLS professional development and Education (PDE) committee announces the second Annual 2007 Peer-to-Peer program orientation

What: An opportunity for young attorneys and those who are new to the legal profession to join a group of their peers to provide support to each other in the practice of the law. The YLS PDE Committee will facilitate each group's start-up and assist each group in developing a structure that best fits the needs of the group's members.

Why: To provide a forum for attorneys to expand their social network, connect with their contemporaries who practice in the same area of the law and create an informal support network.

When: Thursday, January 25, 2007 - 5:30 to 7 p.m.

Where: Red Star Club Room, located at SW 5th and Alder in downtown Portland

RSVP: To Noëlle Saint-Cyr at noelle@mbabar.org with your group choice

Groups: Estate Planning, Business Litigation, General Civil Practice, Criminal Law, Employment Law, Defense Litigation, Business and Corporate Law, and Mature New Lawyers

Appetizers will be provided; no-host bar

Second Annual YLS/OMLA Joint Social

Approximately 75 young lawyers gathered together at Kells Irish Pub in October to enjoy the second annual YLS/Oregon Minority Lawyers Association (OMLA) joint networking evening. It was a very successful evening of socializing and enjoying tasty appetizers. Dennis Rawlinson, President of the OSB, gave a toast to all young lawyers, celebrating the profession. He noted the historic nobility of the practice of law - the profession of Abraham Lincoln - and advised young lawyers to continue in that noble tradition. Rawlinson ended with an Irish cheer, an appropriate close in light of the event's venue. YLS and OMLA plan to continue this highly successful joint social as an annual event.



Amy Miller, Amanda Austin, Robin McIntyre and Maite Uranga at the October 26 social.

celebrate the holidays with the YLS!

Gearing Rackner & Engle is sponsoring this year's MBA YLS Holiday Drop-in Social and Toy Drive on Wednesday, December 13 from 5:30-7 pm at Jax Restaurant and Bar in downtown Portland. Appetizers will be provided. Please come celebrate the holidays with other young lawyers and be sure to bring a new, unwrapped toy for the drive.



Welcome New Admittees!

The Annual New Admittee Welcome and Social was held on November 16 at Kells Irish Restaurant & Pub. The YLS Membership Committee with the aid and sponsorship of LexisNexis, welcomed the new admittees with a fun evening and an opportunity to learn about membership in the MBA. Also in attendance were YLS Board members, committee chairs and MBA staff. In a brief address, MBA President Peter Glade, YLS President Catherine Brinkman and the YLS Committee Chairs expressed their congratulations to the new admittees and encouraged them to become involved with the YLS.



New lawyers Andrea Knight and Rahna Epting were the winners of \$100 American Express gift checks from LexisNexis. Pictured here with Brett Hoffstetter of LexisNexis

YLS thanks LexisNexis for its continued support

On November 16, LexisNexis sponsored the New Admittee Social for the newest members of the Bar at Kells Irish Restaurant & Pub in downtown Portland. In addition to its generous support of the event, LexisNexis provides new attorneys with significant discounts. For more information on the services that LexisNexis provides, please contact Brett Hoffstetter at 503.490.7965 or brett.hoffstetter@lexisnexis.com.

Announcing First YLS Community Service Day at the Oregon Food Bank

What better way to ring in the New Year than working to end hunger in Oregon? Please join the MBA YLS Service to the Public Committee at the Oregon Food Bank on Thursday, December 7 from 6-8:30 p.m. or Saturday, December 30, from 9 a.m. to noon (family, friends, and children over the age of 16 are welcome). We will work to organize donations and prepare emergency food boxes. Over the coming year, look for additional MBA volunteer events at the Oregon Humane Society and Dove Lewis (in March/April), Friends of Trees (in May/June), and SMART (Start Making a Reader Today). These events are geared toward those attorneys who seek the satisfaction of making a tangible contribution without making a long term commitment. To sign up to volunteer at the Oregon Food Bank or for more information, email Amber Hollister at ahollister@perkinscoie.com.

Oregon's Leaders Speak Out for Legal Aid

On October 4, over 100 gathered for an Open House at the Multnomah County Legal Aid offices, which also marked the 70th anniversary of legal aid services in Multnomah County. Leslie Kay and MBA President Peter Glade presented awards to past Portland legal aid leaders. The event was sponsored by the Chief Justice, the OSB and the CEJ. Over 700 people attended similar gatherings around the state.



MBA President Peter Glade and Bill Kirtley. Photo by Mike Renfrow

The Hon. Adrienne Nelson emceed the Portland event. Senator Kate Brown joined Chief Justice De Muniz in making remarks about the importance of access to justice and the valuable work done by Oregon's 91 Legal Aid lawyers. The focus was on domestic violence, which represents over 40% of Legal Aid's workload. As Justice De Muniz, speaking at the Portland open house said, "When those

who are most vulnerable have access to the legal system, there is hope for justice."

Legal aid also took the opportunity to recognize a community partner, the Domestic Violence Enhanced Response Team (DVERT) for "its ongoing efforts to reduce the incidence of domestic violence

and its ripple effect in the community and the state." Twelve government and private agencies, including legal aid and the Portland Police Bureau, make up the DVERT team. Pro bono lawyers, who were honored at the MBA's luncheon, were also recognized for their important contribution in access to justice.

MBA Equality Committee Co-Hosts PSU Law Panel

On November 14, a diverse panel of distinguished judges and lawyers provided Portland State University students with a two-hour interactive discussion about the practice of law and the paths to becoming a lawyer. MBA's Equality Committee arranged for the panel while co-sponsors PSU Student Legal and

Mediation Services and the PSU Multicultural Center provided the forum and a well-stocked snack bar. The presentation coincided with PSU's Law School Fair, which is coordinated by the school's pre-law society and which invites law schools from across the country to visit and court prospective applicants.

For the second year in a row, the Hon. Adrienne Nelson graciously agreed to moderate the panel's discussion, and she was joined by the Hon. Marilyn Litzenger, and attorneys Suzanne Townsend, Melvin Oden-Orr, Mark Wada, Mark Johnson, Nathan Vasquez and Jeff Jones. Each panelist gave the students an overview of his or her own personal path to and through the law. Their individual circumstances were varied, compelling and downright fascinating. As panelist Mark Wada could not help but remark: "It's amazing what you learn about your colleagues when you participate in events like this." The panelists also answered questions from the audience about what law school was like for them and identified things that they learned in law school that they wished they had known before embarking on that educational experience.

The MBA Equality Committee promotes equality in the legal profession and endeavors to identify ways in which the MBA can promote diversity in the practice of law in the Portland metropolitan area.



MBA panelists, including moderator the Hon. Adrienne Nelson (standing) at PSU's recent "Changing the Face of Legal Practice" panel discussion

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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 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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2007 MBA Professionalism Award Nominations Sought

Do you know a lawyer who is a joy to work with, someone who goes above and beyond the minimum professionalism standards? Nominate him or her for the 2007 MBA Professionalism Award.

Past recipients are Raymond Conboy, Thomas H. Tongue, Randall B. Kester, Frank Noonan Jr., Donald W. McEwen, Don H. Marmaduke, Noreen K. Saltveit McGraw, Thomas E. Cooney, John D. Ryan, George H. Fraser, Barrie Herbold, Walter H. Sweek,

Daniel E. O'Leary, Mark R. Wada, Sandra A. Hansberger, Robert C. Weaver, Walter H. Grebe and Susan M. Hammer.

Any MBA practicing attorney member, except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award. Former nominees may be re-nominated. For more information and a nomination form, go to www.mbabar.org.



Peter Glade congratulates Susan Hammer on receiving the 2006 MBA Professionalism Award

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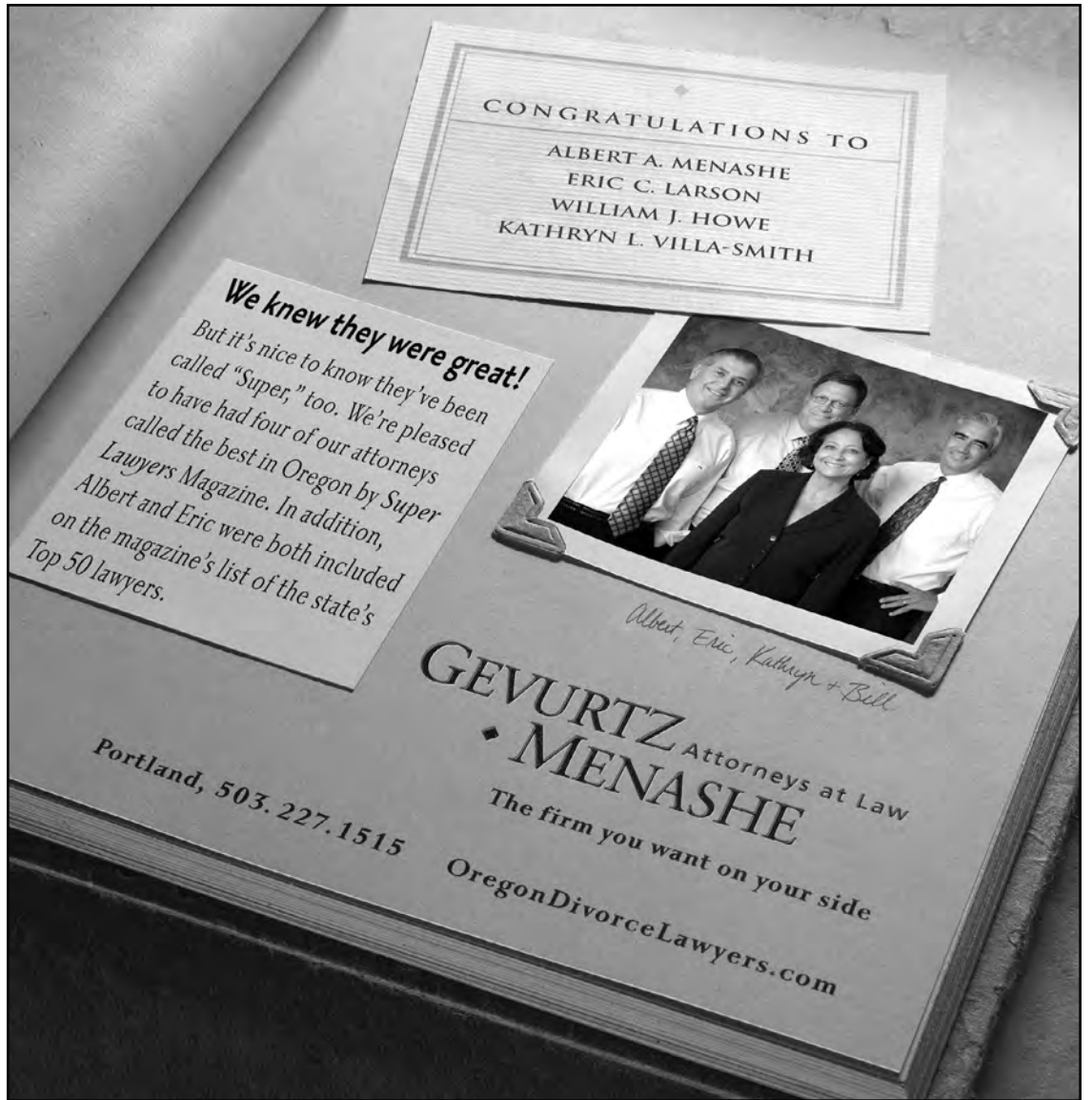
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