



# MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

100TH ANNIVERSARY

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

1906 - 2006

October 2006 Volume 52, Number 9



## Join the Multnomah Bar Team

By Peter H. Glade, MBA President.

Most of you recently received a letter from me urging you to renew your MBA membership. If you have not, please let me know, and I will get one to you right away. My letter stressed the many benefits MBA members receive in return for the dues they pay, particularly when one considers that the MBA's dues are the second lowest of all voluntary

bar associations of our size (across the country). Those dues enable us to provide a wonderful staff to serve the membership and keep things running smoothly. There are ample economic reasons to be a member of the association. However, I would like to spend a little space here focusing on the service we provide to the community and the profession, because I believe that service is the best reason to support this organization.

In keeping with long tradition, I have spent a fair amount of time this fall attending MBA committee meetings, meeting the members, thanking them for volunteering and listening to them conduct their business. As all board members do, I have served as a committee member and as the board liaison to a number of committees in the past. But the process of visiting with each of the committees has given me a much greater appreciation for the size and scope of their collective activities. This, in turn, has led me to a more comprehensive understanding of the dimension of the MBA as a whole.

So, three months into my term as president, I have finally gained perspective on the organization I am privileged to lead. I suppose that might sound odd coming from someone who has been a board member for three years, but, for me, the time spent in board meetings had left me with a kind of two-dimensional picture of the MBA. It is one thing to approve committee charges, receive annual reports from the committee chairs, discuss committee activities with the staff and to review the rosters of committee membership. It is another to observe them all in person. Attending those meetings has brought greater life to my perception of the whole organization, and that vitality reinforces my belief in the good works this organization does.

The commitment and seriousness our volunteers bring to their service is impressive. As a result, the MBA serves the community and the profession on many fronts. Our committees educate lawyers, promote equality, screen judicial candidates, tend to the relationship between bench and bar, spread principles of professionalism, manage our insurance benefits and even set up golf tournaments. The Young Lawyers Section infuses its activities with boundless energy and with a special commitment to pro bono services. On top of all that, we have raised substantial sums for CourtCare and our newly established Multnomah Bar Foundation. All of these ongoing programs and activities have been enabled and advanced by the hard work of volunteers.

I stand in awe of the effort that goes into the MBA's regular activities, but I am truly astonished by the willingness of our leaders and membership to go the extra mile when confronted with new challenges. This fall, we have mobilized to combat the well-financed and largely out-of-state groups seeking to politicize our appellate courts through Constitutional Amendment 40 on the November ballot. The MBA board has resolved to defeat this dangerous measure, and we are now part of a coalition raising funds and campaigning against it. This will require lots of time and money, and so the MBA turns to its membership for both. Many have come through, and that encourages those of us working on the campaign. I urge all of our members to join in the fight to preserve the independence of our appellate courts. You can make donations and learn about other ways to make a difference at the campaign's website: [www.ProtectOregonCourts.com](http://www.ProtectOregonCourts.com).

This will not be the last challenge the justice system faces in the year ahead. The election is close at hand, but we cannot forget the urgent need to replace our dangerous and crowded courthouse. The MBA will continue to work with the county government and community leaders to move forward with plans to site, design and fund long-overdue new court facilities downtown and in East County. And, of course, we will work with the legislature to make sure the justice system is adequately funded: from appropriate compensation for our judges and courthouse staff to funding for indigent defense sufficient to pay a decent fee to the dedicated lawyers who provide that service to the community.

Our members make this possible. And through your membership, you add force to the MBA's actions. So, renew your membership and be part of the team.

### Multnomah Bar Association "Absolutely social" social The grape escape

Thursday, October 19  
The Benson Hotel

RSVP via insert in this issue.

Featuring Oregon wines selected by attorneys David Markowitz and Albert Menashe especially for the social. Drop in after work for wine tasting and catching up with friends and colleagues.

The wines to be featured, and what Albert Menashe and David Marowitz are saying about them:

**Stoller Chardonnay** – this is a rich, oaky and buttery Chardonnay produced by one of Oregon's top wineries. It is an excellent example of a Burgundian style wine. This wine is drinking well right now. While this wine tastes great as a "stand-alone wine," it would be especially good with spicier foods.

**Witness Tree Pinot** – this wine is made by Steven Westby. It is a full style Pinot Noir from the Eola Hills. The vines from which these grapes come are very mature and produce a luscious and jammy wine. The winery produces six different varietals with a total production of 6,000 cases.

**Andrew Rich Syrah** – Andrew Rich formerly worked under Randall Graham of Bonny Doon Winery in California. Randall Graham is known as the "Rhône Ranger." As a result, Andrew Rich does a great job with the Rhône varietal such as Syrah. This Syrah has the elegance and sensibility of a great French Rhône.

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## MBA CLE

To register for a CLE, please see the inserts in this issue or go to [www.mbar.org](http://www.mbar.org).

### October

Thursday, October 26

Registration Fee Includes  
Breakfast

Financing Business

Acquisitions

Venture Capitalists, Vulture  
Capitalists and Angels

### November

Monday, November 6

Out Experting the Expert  
Witness

Bill Barton

George Kirklin

Tuesday, November 7

Estate Planning

Gregory Harris

Joe Wetzel

### December

Tuesday, December 5

Second Annual Ethics Tune-Up  
Mark Fucile

Wednesday, December 6

Generation Gap

Catherine Brinkman

Jo Smith

Valerie Tomasi

Tuesday, December 12

A Business Case for Diversity  
Steve Hanamura

Note: From 2 to 5 PM

Worth 3 EOB Credits

Thursday, December 14

Employment Law Update

Doug Parker

Shelley Russell

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**DEADLINE for copy:** The 10th of the month\*  
**DEADLINE for ads:** The 12th of the month\*  
\*or the preceding Friday, if on a weekend.

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# NEW ON THE SHELF

By Jacque Jurkins, Multnomah Law Librarian.

**OREGON CORPORATE LAW HANDBOOK** by Robert J. McGaughey. Published by Wallingford Press, 2006. (Ref. KF 1414 O7 M35o)

**MEDIATION AND ARBITRATION IN OREGON:** Learn from the experts. Course materials from the Oregon Law Institute May 19, 2006 program in Portland. (KF 9084 O7 O73ma 2006)

**SODERQUIST ON THE SECURITIES LAWS**, 5th ed. by Gary M. Brown. Published by the Practising Law Institute, 2006. (KF 1436 S62 2006)

**CONSUMER WARRANTY LAW:** Lemon law, Magnuson-Moss, UCC, mobile home, and other warranty statutes, 3d ed. by Carolyn L. Carter and Jonathan Sheldon. Published by the National Consumer Law Center, 2006. (KF 1040 C62 2006)

**CONSUMER CLASS ACTIONS**, 6th ed. by Stuart T. Rossman and Charles Delbaum. Published by the National Consumer Law Center, 2006. (KF1040 C62 2006)

**CORPORATE WHISTLEBLOWING IN THE SARBANES-OXLEY ERA** by Michael Delikat. Published by the Practising Law Institute, 2006. (KF 3471 D45)

**JOINT VENTURES:** Antitrust analysis of collaborations among competitors. Published by the ABA Section of Antitrust Law, 2006. (KF 1380.5 J64)

**SPOILIATION OF EVIDENCE:** Sanctions and remedies for destruction of evidence in civil litigation, 2d ed. by Margaret M. Koesel, Tracey L. Turnbull, Naniel F. Giurash. Published by the ABA Tort, Trial and Insurance Practice Section, 2006. (KF 8930 K64 2006)

**MCCORMICK ON EVIDENCE**, 6th ed. by Kenneth S. Broun and George Dix. Published by Thomson/West, 2006. (KF 8935 M33h 2006)

**FEDERAL RULES OF EVIDENCE MANUAL**, 9th ed. by Stephen A. Saltzburg, Michael M. Martin, and Daniel J. Capra. Published by LexisNexis/ M. Bender, 2006. (KF 8935 2006)

**THE ELECTRONIC EVIDENCE AND DISCOVERY HANDBOOK:** Forms, checklists, and guidelines by Sharon D. Nelson, Bruce A. Olsen, and John W. Simek. Published by the ABA Practice Management Section, 2006. (KF 8947 N45)

**KURSBAN'S IMMIGRATION LAW SOURCE BOOK:** A comprehensive outline and reference tool, 10th ed. by Ira J. Kurzban. Published by the American Immigration Law Foundation, 2006. (KF 4814.3 K87 2006)

**NONLEGAL CAREERS FOR LAWYERS**, 5th ed. by Gary A. Munneke, William D. Henslee and Ellen S. Wayne. Published by the ABA Law Practice Management Section, Law Student Division, 2006. (KF 297 M85n 2006)

**PAYMENT BOND MANUAL**, 3d ed. edited by Wayne D. Lambert, Todd R. Braggins and J. Blake Wilcox. Published by the ABA Tort, Trial & Insurance Practice Section, 2006. (KF 850 P39 2006)

**THE EVOLVING USE AND CHANGING ROLE OF INTERSTATE COMPACTS:** A practitioner's guide by Caroline N. Broun. Published by the ABA Section of Administrative Law and Regulatory Practice, 2006. (KF 4618 B76)

**PRINCES'S DICTIONARY OF LEGAL CITATIONS:** A reference guide for attorneys, legal secretaries, paralegals, and law students, 7th ed. by Mary Miles Prince. Published by W. S. Hein, 2006. (Ref. KF 246 P37c 2006)

# CALENDAR

For a complete MBA calendar, please visit [www.mbabar.org](http://www.mbabar.org).

## October

**3** Tuesday, MBA Board meeting  
**4** Wednesday, Legal Aid Open House Events  
 Visit [www.mbabar.org](http://www.mbabar.org) for details.  
**10** Tuesday, November Multnomah Lawyer deadline  
 Tuesday, YLS Board meeting  
**19** Thursday, MBA Absolutely Social at The Benson Hotel  
 See insert for details.

**25** Wednesday, Multnomah Bar Foundation Board meeting

Wednesday, Multnomah County Circuit Court Legislative Open House

**26** Thursday, MBA CLE Part Two – Venture and Vulture Capitalists and Angels  
 See insert or register at [www.mbabar.org](http://www.mbabar.org).

## November

**1-3** Wednesday-Friday, OSB PLF Seminar – Learning the Ropes  
 Visit [www.osbplf.org](http://www.osbplf.org) for details.

**6** Monday, MBA CLE Out-Experting the Expert Witness  
 See insert or register at [www.mbabar.org](http://www.mbabar.org).

**7** Tuesday, MBA Board meeting

Tuesday, MBA CLE Estate Planning  
 See insert or register at [www.mbabar.org](http://www.mbabar.org).

**9** Thursday, YLS PDE Seminar  
 See insert for details.

**10** Friday, December Multnomah Lawyer deadline

**14** Tuesday, YLS Board meeting

**23-24** Thursday-Friday Thanksgiving Holiday

## December

**5** Tuesday, MBA Board meeting

Tuesday, MBA CLE Ethics Tune-up  
 See insert or register at [www.mbabar.org](http://www.mbabar.org).

**12** Tuesday, YLS Board meeting

Tuesday, MBA CLE – Improving Bottom Line Through Diversity  
 See insert or register at [www.mbabar.org](http://www.mbabar.org).

**14** Thursday, MBA CLE Retaliatory Termination  
 See insert or register at [www.mbabar.org](http://www.mbabar.org).

**25-26** Monday-Tuesday, Holiday

**27** Wednesday, Multnomah Bar Foundation Board meeting



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# Ethics Focus

By Mark J. Fucile, Fucile & Reising.

## Setting Up Shop, Part 1 Top 10 Ethical Nuts and Bolts of Starting Your Own Firm



A year ago this month, I set up my own firm with my long-time trial partner and our paralegal. Before then, I had written the chapter for the OSB's *Ethical Oregon Lawyer* on law firm organization and management. As is often the case, however, "doing" was the best teacher. Since then, I've helped several lawyer-clients with the simultaneously exciting and exhausting process of setting up new firms. Through that, I've developed a "Top 10" list of ethical nuts and bolts for starting a new firm. We'll look at the first five this month and follow with the second half next month. I've also since revised my *Ethical Oregon Lawyer* chapter to reflect this experience and that offers more detail on each of these points.

**1. Setting Up Before You Leave.** In most circumstances, it is not practical to tell your old firm before you leave that you are setting up your new firm. For equally practical reasons, it is important to have the logistics of a new firm in place before leaving your old firm. A lawyer cannot mislead the old firm about his or her intention if asked, as we have a fundamental duty of honesty under RPC 8.4(a)(3). At the same time, the leading ABA ethics opinion in this area, 99-414, notes that there is nothing wrong with locating office space and handling other start-up logistics confidentially before informing the old firm.

**2. Leaving Your Old Firm.** Being able to serve your clients directly is often a primary reason for setting up your own firm. Key questions, therefore, are when and what you can tell your clients about your plans. Lawyers owe fiduciary and often contractual duties to their firms. On the fiduciary side, OSB Formal Ethics Opinion 2005-70 and *In re Smith*, 315 Or 260, 843 P2d 449 (1992), counsel that clients can be told of a lawyer's plans once the old firm has been notified. On the contractual side, the firm's partnership or shareholder agreement may set a specific advance notice period before departure as long as the notice period does not amount to a non-compete, which are prohibited as a matter of public policy by RPC 5.6(a). During any interval between the departing lawyer's notice to the old firm and the lawyer's actual departure for the new one, the lawyer's ability to market

the new firm may be limited (absent the departing firm's consent) by remaining fiduciary or contractual duties to the old firm. Once a lawyer actually leaves, however, the lawyer has broad latitude to recruit clients of the old firm whom the lawyer represented.

**3. Getting Files from Your Old Firm.** Once a client decides to move its work from the old firm to the new, the primary duty for both firms is to ensure that the client's work continues to be handled competently during the transition. Assuming the old firm does not have a lien for unpaid fees, OSB Formal Ethics Opinion 2005-70 directs that the old firm must transfer the client's file to the new firm promptly. Whether the old firm can charge the client for any photocopy or related activities in the transfer will be governed by the old firm's fee agreement with the client (see OSB Formal Ethics Opinion 2005-125, which deals specifically with file transition issues).

**4. Firm Structure and Name.** Oregon allows lawyers to practice in limited liability forms and from a risk management perspective that makes good sense. ORS 67.105 deals with limited liability partnerships and ORS 58.185(4)-(5) does the same for professional corporations. Generally, a law practice may have any name, including a trade name, as long as the name is not misleading as defined by RPC 7.5(c). If a firm is either a limited liability partnership or a professional corporation, those terms or their respective abbreviations must appear as a part of the firm's name under ORS 67.625(1) (limited liability partnerships) or ORS 58.115 (professional corporations).

**5. Office Space.** The ethical component of office space largely comes into play from our duty of client confidentiality. It is simplest if your firm has its own dedicated office space that is physically separate from other building tenants. Office suite arrangements, either with other lawyers or nonlawyers, are also permitted under OSB Formal Ethics Opinion 2005-50 as long as communications, files and work are configured so that client confidences will not be compromised. Formal Ethics Opinion 2005-50 applies the same standard to any joint employees in an office suite.

# ANNOUNCEMENTS

## MBA Accepts Online Payments for CLE and Membership

MBA members may now pay their membership dues and register for CLE classes on the MBA's Web site. Payments may be made via the MBA's secure server using Visa, MasterCard or direct bank funds transfer (ACH payments). PDF registration and membership forms are still available online for those who prefer to pay by check. With questions about online payments, call the MBA at 503.222.3275.

## YLS PDE Seminar Set

The YLS Professional Development and Education Committee presents a seminar featuring a distinguished panel of experts including Hon. David Brewer, Chief Judge, Oregon Court of Appeals; Hon. Janice Wilson, Multnomah County Circuit Court; and Jeffrey M. Batchelor, Arbitrator. These panelists will share their hard-earned wisdom and answer questions. The program will be moderated by Bob Maloney, Lane Powell. Participants are invited to meet the panelists and other attendees to continue the discussion after the program. Registration fee includes appetizers. There will be a no host bar. Application for one OSB MCLE credit has been made.

The seminar is scheduled for Thursday, November 9, from 5-6 p.m. at the Red Star Tavern Club Room, located at 506 SW Washington in downtown Portland. For more information about the seminar, please call JR Weiss at Yazbeck Cloran & Hanson, 503.227.1428. Please see the insert in this issue of the *Multnomah Lawyer* to register or call the MBA office at 503.222.3275.

## Noon Time Rides

MBA noon time bike rides - short fast rides with hills. Meet at SW Yamhill and Broadway between noon and 12:10 p.m. on Mondays and Thursdays. Questions? Contact Ray Thomas, 503.228.5222, or meet at the start.

## Businesses Invited to Join Metro Recycle at Work Campaign

Metro's *Recycle at Work* campaign and the MBA invite area law firms to participate in a fall campaign, to encourage business recycling and to be recognized for their recycling efforts. Firms may

sign up and find more information at [www.RecycleAtWork.com](http://www.RecycleAtWork.com).

## Oregon Women Lawyers (OWLS) Seminar Scheduled

Join OWLS for their fall CLE presentation entitled "The Woman Advocate" on Friday, October 27 at the Embassy Suites Hotel in downtown Portland. The program will run from 1:30-4:30 p.m. and conclude with a reception bestowing the first annual Workplace Leader Award from 4:30-5:30. Joyce Tsongas and Laura Dominic of Tsongas Litigation Consulting will give the keynote address. Following the keynote, there will be a total of four panels. Registration and other details are available at [oregonwomenlawyers.com](http://oregonwomenlawyers.com).

## Nominees for Roberts, Deiz Awards Sought

OWLS invites nominations for the 15th Annual Justice Betty Roberts and Judge Mercedes Deiz Awards. The awards recognize and celebrate the accomplishments of individuals in promoting women and minorities in the legal profession in Oregon. The recipients will be honored at the annual awards dinner on Friday, March 9, 2007, at the Governor Hotel in Portland.

The Justice Betty Roberts Award recognizes an individual who has made an outstanding contribution to promoting women in the legal profession and in the community. The recipient of this award is a person who has influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the profession.

The Judge Mercedes Deiz Award recognizes an individual who has made an outstanding contribution to promoting minorities in the legal profession and in the community. The recipient of this award is a person who has influenced minorities to pursue legal careers, opened doors for minority attorneys, or advanced opportunities for minorities within the profession.

Nominations must be received by Monday, November 20. For details regarding nomination submissions, visit [www.oregonwomenlawyers.com](http://www.oregonwomenlawyers.com).

Please send nominations to Kendra Matthews, OWLS, Ransom Blackman, 1001 SW 5<sup>th</sup> Ave Ste 1400, Portland OR 97204, fax 503.227.5984, email [kendra@ransomblackman.com](mailto:kendra@ransomblackman.com).

## PLF Sponsors Annual Seminar

The Professional Liability Fund is sponsoring a practical skills seminar, *Learning the Ropes*, for new admittees to the OSB and lawyers entering private practice in Oregon. The seminar includes information on developing a successful practice and avoiding legal malpractice, a professionalism/ethics workshop, practical tips from judges and lawyers and presentations on setting up effective office systems.

Attendance at the full program will satisfy MCLE requirements for new admittees' first reporting period. The seminar will be held November 1-3 at the Oregon Convention Center in Portland. The \$60 registration fee includes the entire seminar and lunch on November 1 and 2. The deadline to register is October 27.

## Oregon Trial Lawyers Elects Leadership Team

The Oregon Trial Lawyers Association (OTLA) has named Eugene attorney Derek Johnson of Johnson Clifton et al as president for the 2006-07 membership year. Other new officers, from the Portland area, include Stephen Hendricks as president-elect; Don Jacobs as secretary/treasurer; and Dana Sullivan as parliamentarian. The OTLA board also welcomes new members Kelly Andersen of Medford, and Portlanders Robert Beatty-Walters and John Coletti III.

## American Immigration Lawyers Association (AILA) Awards

Junki Yoshida of the Yoshida Group is the 2006 recipient of the Chapter's Oregon Immigrant Achievement Award, which was established to recognize and celebrate the accomplishments of immigrants who have made a significant contribution to Oregon.

Also being honored at the October 20 AILA dinner is Portland attorney Philip Hornik, who is this year's recipient of the Gerald H. Robinson Excellence in Advocacy Award. This award is given annually to an Oregon AILA member in recognition of tireless and outstanding advocacy of immigrant rights.

For more information or for tickets, visit [www.ailaoregon.com](http://www.ailaoregon.com).

In next month's column, we'll continue with the Top 10 and shift the focus from transitioning from the old firm to the new to creating a solid risk management foundation for your new firm.

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@frillp.com](mailto:Mark@frillp.com).

# MBA 100th Anniversary Community Gift Fund Add Your Name to the List

MBA 100<sup>th</sup> Anniversary Community Gift Fund Donors will be listed on a beautiful bronze plaque which will be displayed at the Multnomah County Courthouse, just outside the Presiding Judges' courtroom. To learn more, please contact the MBA at 503.222.3275.

The purpose of the fund is to increase civics education and participation and it will be administered by the newly formed Multnomah Bar Foundation. The MBA kicked off the fundraising campaign by committing \$50,000 to the fund. Listed below are those who have already made their generous donations or pledges.

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# Legal Community Laces Up to Fund Legal Services for Low-income Families

The St. Andrew Legal Clinic's 6th Annual "Race for Justice" took place in northeast Portland in June. A popular outdoor event for members of the Portland legal community and their families, the 2006 race attracted nearly 350 runners and walkers and raised a record \$92,000 for legal services for low-income people.

Markowitz, Herbold, Glade & Mehlhaf registered a whopping 45 participants, earning the "Largest Team" Award, while Perkins Coie took home the "Best Fundraising Team" trophy for collecting \$7,100 in donations. Robert Neuberger single-handedly raised \$5,995 and was awarded "Best Individual Fundraiser."

For more information and event photos, go to [www.salcgroup.org](http://www.salcgroup.org).



Start of the SALC Race for Justice!



Annemarie Schroeder finishes the 10k

## Dragonflies Land in Style

By Kristin Sterling, OWLS Dragonflies Co-Captain.



The OWLS dragonboat team, the "Mighty Mighty Dragonflies," had another great Rose Festival race weekend with two first place finishes in Saturday's qualifying rounds that guaranteed the team a spot (and as the fourth seed no less!) in the Women's Division I on Sunday. The team had a very close second place photo-finish race Sunday morning in the quarter-finals and a tough semi-final race that afternoon, placing third.

Every year, the Dragonflies face tougher women's teams, including some that compete internationally. The Dragonflies have consistently held our own.

Thank you to all of the team's supporters, who cheered for the Dragonflies during the festival and all year long, as well as this year's sponsors: Cable Huston Benedict Haagensen & Lloyd, Yates Matthews & Associates, Kairis Court Reporting, Weber Gunn, Healing Hands Massage, Williams Kastner & Gibbs, Paradigm Legal Nurse Consulting and Susan L. Phillips, Attorney at Law.

**st. Andrew Legal Clinic  
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**\$90,000 Raised for the 2006 Race for Justice:**

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- The Standard
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Funds raised at this event support low-income people with family law needs.



John Dunbar, Jessica Hamilton and Lisa Kaner



If any OWLS members are interested in joining the team, they are welcome to join. Practices are Wednesdays from 6:30-7:30 p.m. Email Kristin Sterling, [khsterling@stoel.com](mailto:khsterling@stoel.com) or Nancy Bergeson, [nancy\\_bergeson@fd.org](mailto:nancy_bergeson@fd.org) for more information.



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# AROUND THE BAR

**METROPOLITAN PUBLIC DEFENDER SERVICES**  
Attorney **Aminah Saunders** has joined the Multnomah County office.

**BEERY, ELSNER & HAMMOND**  
**Christopher D. Crean** has joined the firm as an associate attorney, where he will continue to practice exclusively in the area of local and municipal law.



Tamara Russell

**MILLER NASH**  
**Tamara Russell**, a partner, has been appointed by Governor Ted Kulongoski to the Oregon Department of Employment's Employment Advisory Committee. She focuses her practice at the firm on representing management in employment law and labor relations matters.

**BULLIVANT HOUSER BAILEY**  
The following attorneys have been recognized *The Best Lawyers in America*. **Ronald E. Bailey** (Product Liability Litigation), **Jeffrey S. Eden** (Product Liability Litigation), **Stephen F. English** (Bet-the-Company Litigation, Commercial Litigation, Insurance Law), **Douglas G. Houser** (Insurance Law), **John Junkin** (Administrative Law, Eminent Domain and Condemnation

Law, Government Relations Law), **R. Daniel Lindahl** (Appellate Law), **John R. Osburn** (Government Relations Law), **Ronald G. Stephenson** (Product Liability Litigation), **Timothy J. Wachter** (Trusts and Estates), and **Joel Wilson** (Professional Malpractice Law).



Laura Caldera Taylor

**GARVEY SCHUBERT BARER**  
**Laura Caldera Taylor**, a firm associate, has been elected Secretary of the OWLS' Executive Committee. Her term runs through April 2007. Taylor's practice focuses on intellectual property and business and commercial litigation.

**STOEL RIVES**  
Stoel Rives announces that the following firm attorneys are named in the 2007 edition of *The Best Lawyers in America*®: **Richard E. Alexander** - Construction Law; **David H. Angeli** - White-Collar Criminal Defense; **Ruth A. Beyer** - Corporate Law, Mergers & Acquisitions Law; **Nancy L. Cowgill** - Trusts and Estates; **E. Joseph Dean** - Intellectual Property Law; **Barnes H. Ellis** - Bet-the-Company Litigation, Commercial Litigation; **Edward L. Epstein** - Corporate Law, Health Care Law, Mergers & Acquisitions Law; **Eric A. Grasberger** - Construction Law; **David W. Green** - Real Estate Law; **Ronald S. Grossmann** - Employee Benefits Law; **Christopher K. Heuer** - Tax Law; **Henry H. Hewitt**

- Corporate Governance and Compliance Law, Corporate Law; **Charles F. Hinkle** - Appellate Law, First Amendment Law; **Emily V. Karr** - Trusts and Estates; **Victor J. Kisch** - Labor and Employment Law; Christine Kitchel - Labor and Employment Law; **Gregory H. Macpherson** - Employee Benefits Law; **David P. Miller** - Timber Law; **Gregory R. Mowe** - Commercial Litigation, Eminent Domain and Condemnation Law; **Barbara L. Nay** - Health Care Law; **Margaret Hill Noto** - Corporate Governance and Compliance Law, Corporate Law, Mergers & Acquisitions Law, Securities Law; **Terrence R. Pancoast** - Nonprofit/Charities Law, Trusts and Estates; **Guy A. Randles** - Construction Law; **Edward J. Reeves** - Labor and Employment Law; **Lois O. Rosenbaum** - Commercial Litigation; **Pendleton Hamlet Serrurier** - Nonprofit/Charities Law, Trusts and Estates; **Joan P. Snyder** - Environmental Law; **Micah D. Stolowitz** - Intellectual Property Law; **John R. Thomas** - Mergers & Acquisitions Law, Securities Law; **E. Walter Van Valkenburg** - Antitrust Law; and **Jere M. Webb** - Advertising Law, Information Technology Law, Intellectual Property Law.

Attorney **Jennifer Owen** has been added to the firm's labor and employment group.

**WILLAMETTE UNIVERSITY COLLEGE OF LAW**  
**Norma Freitas** is the new assistant director of career services.

*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.*

New 2006 Edition

## Oregon Corporate Law Handbook

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## Time for Your 2007 Membership Renewal

Thank you for being a member this year. It is time to renew your membership with the MBA through 2007. You will be receiving your renewal notice in the mail soon. All you need to do is return your membership form with payment to continue to receive the wide range of benefits the MBA provides. You now have the option of renewing online by visiting [www.mbabar.org](http://www.mbabar.org). 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 our Web site, [www.mbabar.org](http://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 and disability 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](http://www.mbabar.org). We look forward to serving you in 2007.

## MBA Member Only Discounts and Services

**American Bar Association Publications**  
MBA members receive 20% off the price of ABA publications. Simply go to [www.ababooks.org](http://www.ababooks.org), select your publication and enter the MBA member discount code (PAB5EMUL).

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The MBA now offers members long-term care insurance. Call the MBA's representative, Mary Osborn, at 503.473.8815.

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To purchase discounted tickets with no service fees before the general public, call Lisa Erenyi at 503.227.0977 x 251 and identify yourself as an MBA member.

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Save 10% and have access to tickets before they go on sale to the public. Log on to: [www.broadwayacrossamerica.com/groupsales](http://www.broadwayacrossamerica.com/groupsales). Password is mbaportland.

## Thank you to our september Awards Luncheon sponsors!

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## Tips from the Bench

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

### New arbitration forms

The bar should be aware that most of the court's mandatory arbitration program forms have been changed. Some lawyers are still using arbitration forms that are more than 10 years old. You need to be using the current forms, which will make life easier for the bar and for court staff.



The following forms have been revised this year:

- Motion and Order Referring Case Into Court Arbitration
- Request for Appointment of Arbitrator
- Notice of Selection of Arbitrator and Setting of Date for Hearing
- Arbitrators Notice/Request to Change Hearing Date Or Award Filing Deadline
- Arbitrator's Time Report
- Arbitration Award or Settlement Notice
- Appeal of Arbitration Award and Request for Trial

You may obtain copies of these new forms from the clerk's office in Room 210 of the courthouse. You may also obtain copies from the court's Web site at: [www.ojd.state.or.us/mul/programs.html](http://www.ojd.state.or.us/mul/programs.html).

You will notice on the new forms several useful changes. For instance, the Notice of Selection of Arbitrator and Setting of Date for Hearing form now includes a certificate of service and an order approving the setting of the hearing date. Some lawyers have been filing five pages of motion, affidavit, certificate of service and order, all of which are covered by this new one-page form. The new Arbitrators Notice/Request to

Change Hearing Date Or Award Filing Deadline form combines the two most common arbitrator requests into a single, one-page form. Also, the Arbitrator's Time Report form simplifies the time reporting previously expected from arbitrators, but adds a new requirement that the arbitrator's fee agreement be disclosed.

If you have any questions or comments about these new forms, they should be directed to Judge Edward J. Jones, 503.988.3540.

### Amendments to Uniform Trial Court Rules

The Uniform Trial Court Rules have been revised in a number of particulars, effective August 1. The changes that affect your practice this cycle are not extensive, but you should always be aware of the current rules. You may obtain copies of the current Uniform Trial Court Rules from: OJD Publications Section, Supreme Court Building, 1163 State St, Salem OR 97301-2563. Telephone 503.986.5656. They can be found online at [www.ojd.state.or.us/programs/utcr/utcrules.htm](http://www.ojd.state.or.us/programs/utcr/utcrules.htm).



By Catherine Carroll, Court Liaison Committee member.

The pressing need for new courthouses and the importance of coordinating trial schedules among the tri-county area was discussed. Attorneys are sometimes caught with competing trial dates in different places.

The committee discussed the need for the attorneys in all three counties to understand the court's functioning and to create liaison networks.

Kristen David, the Clackamas County Bar President, reiterated that she and Ken McNeil, new president of the Washington County Bar, are also interested in improving communication among the local county bar associations. She has made herself available as a resource for attorneys from other counties who can call her for assistance with Clackamas County local procedures and information is also available on their Web site, [www.clackamas-bar.org](http://www.clackamas-bar.org).

Judge Welch is retiring as of the end of the calendar year, and several other judicial retirements are expected over the next 12 to 18 months.

There has not yet been a decision about which services will be part of the Gresham courthouse; whether it will be a free-standing facility, or a combined facility housing other agencies. Although the money is now available, the final decisions will probably be made after the first of the year.

As to the downtown courthouse, the Facilities Department has been authorized to negotiate for the property just east of the Justice Center. The Board of Commissioners feels that it is important to settle on the site for the new courthouse now, although it may take as many as 5 to 10 years to get a bond measure for the new courthouse passed.

Other counties have crisis or near crisis conditions in their courthouse facilities and do not believe that

they should be responsible for the courthouses indefinitely. The need for \$300-\$400 million of general fund monies per courthouse is considered overwhelming. There is concern over whether the legislature is actually focusing on these issues, and, in particular, the need for a realistic and rational funding mechanism.

The courthouse's committee on safety and security is continuing the current attorney access program without changes for the foreseeable future.

The OSB president has a task force working on e-filing, looking at recommendations to get the state courts to a level of functioning similar to federal courts. This will be a multi-year project.

The issue of raising judicial salaries will be before the next legislature. Oregon's judicial salaries are now ranked 49<sup>th</sup> among the 50 states, although this ranking does not reflect the 6% PERS contribution which the judges receive.

Peter Glade, president of the MBA, reported that the need for a new courthouse, judicial salary levels and funding issues will be a focus for the MBA Board this year, and that a committee has been formed to work on public outreach on these issues.

### Subcommittee reports Jury verdicts.

Doug Bray has revised the jury verdict reports to reflect verdicts for 2005 and 2006 through June 30. This report includes only verdicts which have been filed with OJIN; clerks and judges' staff are being trained to report verdicts from their offices.

### OJIN and email.

The Supreme Court Administrator's office may revise OJIN to allow for addition of a second

email address, but this change is not expected to occur soon.

### Spring brown bag lunch.

Doug Bray reported that the spring brown bag took place in Judge Marshall's courtroom on May 25. A fall session will be announced.

### Constitutional Amendment 40.

The MBA, OTLA, OSB, individual members of OADC and others have paid for critical polling to help with formulation of talking points in opposition to Ballot Measure 40. (Constitutional Amendment 40 would district Oregon appellate courts. For more information, go to [www.mbar.org](http://www.mbar.org).) A one-page flyer of talking points has been developed, and there will be a campaign Web site containing information in opposition to the measure. It is important to emphasize that this is a constitutional amendment, rather than a statutory change. A major fundraising program is being initiated, noting that there are only two months remaining before the election.

### Clackamas County Bar.

Kristen David reported that the Clackamas County Bar Association had decided not to take a position on Ballot Measure 40, although that decision may be reconsidered. The motions panel has issued a memorandum, which is available on their Web site. In addition, a new courtroom is being created in the space vacated by the law library's move out of the courthouse. She reminded the committee that Clackamas County now requires all pleadings to be two-hole punched at the top; and that any motion which is sent in for filing without a certificate of service will be sent back.

**Protect Oregon Courts**  
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**MBA Opposes Constitutional Amendment 40**

**Reject Special Interests - Keep Qualified Judges**

**Measure 40 would divide the state into seven districts for the election of Oregon Supreme Court Justices and five districts for the Court of Appeals.**

- Statewide judges should be elected based on their merits, not on where they happen to live.
- Measure 40 is unnecessary and brings politics and special interest influence into a system that is not in crisis.
- Constitutional Amendment 40 has already been rejected by Oregon voters in a statewide election in 2002.

Go to [www.protectoregoncourts.com](http://www.protectoregoncourts.com) to get more information and find out how you can help defeat this constitutional amendment.

## More News from the Court

The Multnomah County Sheriff's Office has notified the MBA that attorney-client contact visits at MCDC will not be available beginning in October, due to construction at the site. Paper pass visits are available on request. Contact Lt. Jeff Wheeler with questions at 503.988.5943.

The proposed Supplementary Local Rules are posted at [www.mbar.org](http://www.mbar.org). They will be reviewed at the October meeting of the UTCR Committee.



## Special Award Given to CLE Seminar Presenters

By Michael Dwyer, Dwyer & Miller and MBA Treasurer.

For 15 or more Februarys, Judge Elizabeth Welch, Bill Schulte and Gary Zimmer have helped make our domestic relations bar a little smarter. Year after year, their two-hour programs have been among the most popular of all the MBA's offerings. Since Judge Welch has announced her retirement and next year's lineup may present a new mix, it is appropriate to pause and thank them for their years of service. In September the MBA did just that, honoring the trio with merit awards at the fall luncheon.

Since they began the successful series, we could count on Judge Welch to describe rule changes in the county and the holdings from the latest cases appellate cases involving children. Then, Schulte would turn the pages in his thick white binder and summarize, and often politely question with a raised eyebrow, the latest spousal support cases. Next, Zimmer would carefully recount the most important property division cases.

It should surprise no one that Judge Welch presented the cases involving children, because children have

been her primary passion and focus since her graduation from the University of Chicago. Before taking the bench in 1989, she served as a deputy district attorney specializing in juvenile law, had a private law practice focusing on domestic relations and also worked for the city and the mayor. She has been the presiding judge of the family law court since 1993 and the probate court since 1995. It was she who corralled her long-time friend, Bill Schulte, into joining her on the initial MBA program.

Schulte, a graduate of Willamette University College of Law, also began his career as a deputy district attorney. He moved to civil litigation before settling in as one of our most distinguished practitioners in the field of domestic relations. In the past couple of years, he has used his years of experience to make a successful transition to divorce mediation. It would be hard to find a practitioner who does not rely on his meticulously detailed chart of spousal support cases.

With Judge Welch, Schulte asked Gary Zimmer to round out the

program. Zimmer, of Zimmer & Bunch, graduated from Case Western Reserve in Cleveland before heading west and serving as Multnomah County Counsel under George Joseph, former Chief Judge of the Court of Appeals. He then joined Jack Kennedy and Judge Garr King and specialized in defense work and domestic relations. He started his own domestic relations firm in 1998 and is now widely recognized as one of the most prominent attorneys in the field. Zimmer's synopses of property division cases (with their helpful cross-categorizations) are widely used by lawyers in our community. Zimmer has now summarized all cases from the court of appeals dating back to 1976.

With Judge Welch's resignation, it is possible to pause and appreciate her many accomplishments. During her tenure the family law court was created, which may seem insignificant except to those veterans who recall that domestic relations was once nothing more than an afterthought on the civil docket. She has always remained mindful of the fact that litigants in family court are just about the

only litigants paying out of the own pockets, and has therefore worked tirelessly to streamline the calendar and process cases efficiently. The creation of a family court has also meant that cases are now tried before judges who specialize in the area instead of judges who are forced to fit a custody trial in between a malpractice suit and a drug deal.

Judge Welch is also proud of her participation in the movement to reform detention in juvenile court. These reforms, which now use fairer, objective measurements for detention or release of juveniles, have become a model for the nation.

Judge Welch sees a great challenge arising from the growing ranks of pro se litigants who are armed with online forms and faulty advice from paralegals. She also sees a dispiriting array of serious problems coming into court: drugs and alcohol, intractable personality disorders.

As for the future, Judge Welch (an avid reader) has no immediate plans except to finish *Arc of Justice* by Kevin Boyle, which chronicles Clarence Darrow's defense of a



Michael Dwyer

black doctor accused of murdering a white man in 1930s Detroit.

When Schulte is not helping litigants resolve their disputes through mediation, he can be found tinkering with his golf swing or reading (he and Judge Welch often share reading lists). And Zimmer, father of a freshman in college and a high schooler) might be spotted jogging downtown or lifting weights to keep the stress at bay, but he has no plans to slow down.

Whether we will see these distinguished presenters together again remains to be seen. February presently appears somewhat opaque in their crystal ball. Regardless, we can be grateful for the years of quality education they have provided.

## Client Satisfaction Means Going Backward

By Marsha J. Naegeli and Troy S. Moody.

Modern companies may enjoy meteoric success, remain static, or falter and expire. The variety of factors involved in their subsequent rise or fall may be as varied as their individual fiscal equations. The most compelling ideation for this environment of success or failure is often their approach to client service. Successful companies realize that they are in the business of being "in service." Taking care of clients is an integral part of the corporate product and as with all corporate services, it is highly competitive. Those who do it well thrive; those who do not, falter and fail.

When J.C. Penney first opened his now-famous emporium in 1902, it was called "The Golden Rule Store." He set a business standard for service founded on the moral principle, "Do unto others as you would have them do unto you." This maxim of putting the client first became pervasive in American enterprise for the next 80 years.

In the recession-ridden 1980s however, businesses began to focus on cutting overhead and eliminating quality client services in favor of cost reductions. The result of this altered philosophy was short-term profits and long-term client alienation. Unfortunately, that inverted philosophy is still alive and well today in much of corporate America. The apathy apparent in businesses today is appalling. Sadly, in many venues the client is receiving the most disrespect

of any time in the past century.

There are some very simple rules for providing clients with the service of the past coupled with the leading edge technology of the future. The first begins with the initial contact – telephone service. A company has one opportunity to make a positive, first impression on a new client. In a corporation, the client's needs must come first.

The second rule is to continue offering clients the same courtesy in all professional interactions. We believe in maintaining the client's trust for life. That means satisfying any need the client may have quickly and efficiently.

The final aspect of outstanding client service revolves around a company's leadership. A culture of courtesy will always come from the top. Many people talk the talk, but very few walk the walk. Simply giving "lip service" will not effect change. If a manager treats clients with respect and insists that it be a corporate policy, company employees will also make it a priority. The most valuable commodity we have is our time. When clients spend extra time trying to get good service, they



Marsha J. Naegeli



Troy S. Moody

will go elsewhere; usually to a company that values client service and treats them with the respect they deserve.

Merging the technology of the 21st Century with the client service of the 1950s has helped us maintain our client base and expand our business to encompass a national market over the last quarter of a century. Going back to basics is essential and the most basic goal of all should be client service. To finish first in the legal field, you must go backward to go forward!

Marsha J. Naegeli, President of Naegeli Reporting Corporation and Troy S. Moody, President of Naegeli Trial Technologies, provide attorneys with a full complement of court reporting services which include Trial Presentation, Legal Videography and Videoconferencing. Naegeli Reporting Corporation has offices in Oregon, Washington and Idaho and provides client services both nationally and internationally.

## A Jungle Gym in the Jungle Multnomah CourtCare

CourtCare continues to receive donations and has raised over \$109,000 this year. The CourtCare Proudest Pride Award for the largest donation from a firm goes to Davis



Jenna Money



Mike Williams

Wright Tremaine, and the *Loftiest Leap Award* for the largest donation per capita goes to Williams Love O'Leary & Craine. Pictured here are Jenna Money of Davis Wright Tremaine and Mike Williams of Williams Love O'Leary & Craine.

## The Changing Face of the Bar – A 40-Year Perspective

By Christine M. Meadows, Attorney at Law and MBA Board Director.

The MBA has represented a substantial portion of Oregon lawyers since its formation. Even with an increase in lawyers outside Multnomah County's borders, MBA membership currently represents more than a third of all lawyers in the state. While the MBA continues to represent a large portion of Oregon's lawyers, who those lawyers are has changed.

Going back only 40 years, the changes in MBA members is apparent. How have women lawyers' participation in the bar changed? Only 2% of the lawyers in Multnomah County in 1966 could potentially answer that question. Of the 1,377 lawyers practicing in Multnomah County in 1966, only 33 were women. Contrast that with 2006, where women make up 32% of all lawyers in Multnomah County. That is 1,574 of the 4914 Multnomah County lawyers.

According to the US Census, 96% of the population of Multnomah County was identified as white in 1960. Statistics were not kept by the state bar on diversity in 1966, but it is generally agreed that the bar has become a much more diverse group in the last 40 years. Although almost half (47%) of the state's 12,597 lawyers do not designate a racial identity, in 2006 the numbers indicate that the bar is more diverse than it was 40 years ago and is continuing to diversify.

While the majority who reported racial identity in 2006 indicated they identify as White, a significant number did not report at all. Just based on the numbers as reported, of all Multnomah County lawyers, 1% identify as Black, .3% Native American, 2.6% Asian, 1% Hispanic, while .8% identify as some other race.

## YLS – Then and Now

By Catherine Brinkman, Schwabe Williamson & Wyatt and YLS President.



It was 1980 - the year of the Mt. St. Helens eruption, John Lennon's assassination, Ronald Reagan's election, the Iran

hostage crisis, the revelation of "Who Shot J.R.?" and the launch of the compact disc, the Sony Walkman and Post-It Notes. It was also the year that the MBA YLS came into being.

Since then, much has changed in politics and pop culture, and Post-It Notes are less of a novelty and more of a necessity. And since then, the YLS has continued undeterred in its mission to provide leadership opportunities, professional development and access to pro bono and public service projects to Multnomah County's young lawyers.

The 2006-07 year will be no different. With the addition of Katie Lane, Andrew Schpak and Kelly Struhs to the YLS Board and

with the YLS committees operating under the skilled leadership of Maya Crawford, Justin Leonard, Shawn Menashe and JR Weiss, the YLS is poised for yet another successful year, driven almost entirely by the innovation, enthusiasm and dedication of its committee members.

The YLS offers unique services and opportunities to provide balance to your career. There truly is something for everyone. The Professional Development and Education Committee and the Membership Committee exist to assist you in developing your practical legal skills and refining your networking and marketing abilities. If you cannot commit to committee-level work, take the time to participate in a Peer-to-Peer group, sign up for one of our numerous and informative CLE classes or professional development seminars, pick up a *New Admittee Survival Guide*, or stop by a drop-in social to foster the network of colleagues that will follow you throughout your career.

If "giving back" is more your speed, the YLS offers incredible opportunities to participate in public service and pro bono programs. With committees dedicated solely to each, the YLS touches many worthwhile causes, including homeless and at-risk youth, victims of domestic violence, disadvantaged women, nonprofit development, animals and the public at large. In addition to our significant roster of pro bono and public service projects, the YLS will be offering quarterly "Service Days," for young lawyers who want to give back, but do not have the ability to commit to long-term projects.

As always, the YLS continues its commitment to recognizing and serving diversity in all forms and to creating a more rewarding, fulfilling and balanced legal career for you. On behalf of the YLS Board and Committee Chairs, we welcome your participation, innovation, enthusiasm and dedication.

## Nothing But Net The Basics of Professional Networking

By Paul Burton, Vision Mechanix.

### Introduction

Referrals are the best and easiest way to build your practice. The best because the prospective client arrives pre-disposed to liking you. The easiest because little to no direct effort is expended on your part. However, the very nature of referrals requires that others know of you and about you to make good recommendations. And it's your job to give your referral sources the tools to make good referrals - a sense of who you are and knowledge of what you do.

Enter professional networking. It's the perfect method for generating solid referrals. But before going into the conceptual and mechanical elements of this time-tested rainmaking device, let's specifically define professional networking.

Networking is simply meeting and getting to know people. We do this all our lives, even if we're not conscious of the effort. Whenever you meet a new person, you're networking - you've met and gotten to know them (at least a little). When you do this in a professional environment, it's with a view towards advancing your career - a good thing. Thus, professional networking is meeting and getting to know others with a view towards advancing your career.

### Spheres of Influence

Imagine a group of spheres floating in the air in front of you. Inside each are people you know and who know each other - your family, law school friends, office colleagues, etc. Many of these spheres will intersect, with one or more people belonging to multiple spheres.

This is a good visual representation of how networking works. Throughout your life you will add (and rarely subtract) spheres of people you know. People will come

and go in those spheres and the spheres will forever be re-arranging themselves in terms of overlap. You have two jobs with respect to these orbs of your life.

### Building and Managing Your Spheres

First, it's incumbent on you to make sure that everyone you know has a good idea of who you are and what you do. Many times this occurs naturally, but it is nevertheless critical to make sure these friends and acquaintances clearly know *you*. The best way to do this is to write a two or three sentence autobiography that you can easily repeat without sounding like an automaton.

Second, you must actively seek to build spheres. Like the cliché says, "Life is what happens to you while you're busy making plans." Get out there and meet folks, but only those folks you'd like to meet. Never, ever engage in networking simply for the sake of networking. Insincerity has the same affect on professional careers that curiosity has on cats.

### The Sphere Building Business

You can join any number of groups to begin your networking career, or you can build one or more personal professional networks. Since the former is relatively obvious, we'll focus on the latter here.

The key to a good professional network is seeking affinity. The members should have common goals and industry involvement. Take out a piece of paper and at the top list, the area of law you practice. Below that, list two other professional service industries that your clients might see on a regular basis. For example, a corporate finance attorney might list accounting and management consulting as related industries because these are both professional service providers to growing businesses.

Underneath those other industries, list an individual's name that you could contact to arrange a group lunch or coffee meeting to discuss forming a networking group. Can't think of anyone? Then ask more senior lawyers in your office to refer you to one of their contemporaries in the affinity industries. Contact that person and ask if she/he could refer you to someone in the firm who might be interested in your professional network.

The structure and purposes of your group could be many, but here are some suggestions:

- Meet periodically - quarterly is always good.
- Identify ways to market together:
  - o Presentations.
  - o Publications.
  - o Educational seminars.
- Cross-pollinate your opportunities.
- Utilize each other for expertise.

### Conclusion

Professional networking can drive referral business. Referrals originate within your spheres of influence. You must ensure that everyone in your spheres knows who you are and what you do. Moreover, it's in your best professional interest to construct as many spheres as possible. Remember: Clients hire professionals they know or are referred to them by people they trust.

*Paul Burton is a former corporate finance attorney with an extensive background in professional and organizational development. His firm, Vision Mechanix, works exclusively with lawyers and law firms, providing clients training and consulting in the areas of Business Development, Management Skills and Productivity. He may be reached at paul@visionmechanix.com.*



## Imprint Program 2006-07

By Klarice Kolbe, Abbott & Paris and YLS Service to the Public Committee.

Are you interested in working with youth in our community and making a difference in their lives? Then you should sign up for the Imprint Program!

The Imprint Program is a volunteer opportunity for attorneys in Multnomah County which is provided by the MBA YLS Service to the Public Committee. This is the third year of the program and it is going to be even bigger and better than the years before.

Through the Imprint Program, you will develop a one-on-one relationship with a student through letter writing and discussing a popular novel, short stories, and other literature. The program begins in November with you and your student writing introductory letters to one another. In January, both of you reconnect after the holidays and discuss an assigned short story or poem. The next step is an assigned novel in late February and continuing correspondence with your student about the novel and life in general until early May. The program ends with a luncheon the first week of May where you will finally be able to meet your student face to face. The luncheon is the most important part of the

program and your attending will mean the most to your student. Therefore, we do require that all volunteers attend.

The time commitment is minimal, but the rewards are huge. Over the course of the program, you will only be required to write six to seven letters and read one short story and novel. The program is ideal for lawyers with busy schedules because you can write the letters and read the novel as your schedule allows.

Several of the students we work with do not have positive adult role models in their lives and for another adult to take an interest in them makes more of an impact than you could ever imagine.

The program has been such a great success in the past few years that we have expanded to four classrooms at Parkrose Middle School and High School. We are looking for a total of 120 volunteers.

An orientation meeting will be held for all volunteers the fourth week of October (date and time TBA). If you are interested in participating this year, please contact Klarice Kolbe at [kkolbe@abbottparis.com](mailto:kkolbe@abbottparis.com).

## YLS Membership Committee Holds First Drop-in Social of the Year

On Thursday, August 17, the Young Lawyers Section (YLS) held a joint drop-in social with the Oregon Society of CPA Young Professionals Section (OSCPA). This event was generously hosted by Perkins Coie, LLP and Ferguson & Schoenfeld. Approximately 40 lawyers and accountants attended this casual get-together, enjoying wine and appetizers on Perkins' sunny 10<sup>th</sup> floor balcony. The YLS Membership Committee looks forward to seeing you at its October drop-in social on October 26 at Kell's.



Sara Schmitz, David Eder, Jennifer Elder and Paris Powell at the YLS/OSCPA Social

## Proud to be a CASA

By Gary Grenley, Grenley Rotenberg et al.

For several years, my wife and I were grateful to be able to contribute a small measure of financial support to CASA (Court Appointed Special Advocate) for Children, a local 501c (3) organization dedicated to training and providing volunteers to advocate for children who became wards of the judicial system due to abuse or neglect. This program works primarily with the Multnomah and Washington Circuit Courts but there are CASA programs in every county in Oregon. I found myself wanting to become a volunteer CASA, but a busy law practice (business litigation) and a young family (now 4-1/2 and 6 years old) dissuaded me. Finally, two years ago, I decided there would never be a perfect time, and I volunteered to train as a CASA in the spring of 2004. I was surprised how easy it was to schedule the 35 or so hours of training over some two months and completed my CASA training two years ago March.

Within days of being sworn in, I was assigned a case in Multnomah County involving two young boys who were taken into foster care a year earlier. Judge Nan Waller had the case and thought a CASA was needed to be her "eyes and ears"

into the dynamic relationships involving the Oregon Department of Human Services, biological mom and dad, foster parents and most importantly, the children themselves. I am happy to report that, after three and a half years of court and DHS wardship, the case is nearing conclusion and the boys have been successfully reunited with their family.

While being a lawyer is by no means necessary in order to become a CASA, having some familiarity with the judicial system and comfort being in a court setting helps. Above all, a CASA needs a measure of common sense, a fondness for children and a desire to help speak for the needs of youngsters who are thrust into the system by no fault of theirs. Being allowed to advocate for young people with little voice of their own has been a privilege and honor - and certainly the most rewarding contribution I have ever made.

When I speak to colleagues of the bar about being a CASA, I find a high incidence of curiosity - not surprising given the interest in public service most lawyers have and put to such good use in a myriad of community activities. I commend CASA for your



consideration, particularly for those of you who have raised (or are still parenting) kids of your own. I can assure you of three things: (1) the time commitment is much less than you might imagine; (2) your training and experience as a lawyer perfectly suits being an effective CASA; and (3) you will never do anything more gratifying and fulfilling as a volunteer.

If you are interested in CASA, either as a potential volunteer or for a worthwhile charitable donation, you may visit their Web site at [casahelpskids.org](http://casahelpskids.org). There is a link to inquire about volunteerism, but I welcome your calls (503.241.0570) as does Mary Jaeger, Executive Director, CASA for Children (503.988.4174) or Colleen Rogers, CASA Recruitment (503.988.4179).

## PRO BONO VOLUNTEERS

Thanks to the following lawyers, who recently donated their pro bono services via the Volunteer Lawyers Project, the Senior Law Project, Community Development Law Center, law firm clinics, the Oregon Law Center, the Nonprofit Project 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](http://www.mbabar.org/docs/ProBonoGuide.pdf).

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Todd Wilkinson  
Mark Williams

## Recycling is Easy with a Desk-side Recycling Box

By David Bragdon, Metro Council President.

Excerpts from the September 8 *Portland Business Journal*

Here's a statistic that may surprise and even alarm many business leaders. Nearly half of the region's waste sent to area landfills comes from the 50,000 businesses in the Portland metropolitan area. That's nearly 575,000 tons of waste per year, including 84,000 tons of recyclable paper.

By national standards, recycling efforts by businesses and residents in this region are commendable. Our 59 percent waste-recovery rate is one of the highest in the country. Yet, we can do better.

### Start with Metro's desk-side recycle box

Business owners and staff tell the Metro Council that the first step is to make recycling at least as easy as throwing something away. Having a desk-side box is important: people are more likely to recycle materials instead of throwing them in the trash if recycling is made convenient. And yes, paper clips, staples, envelopes with clear plastic windows, glossy magazines, newspapers and sticky notes can all be recycled at work in a desk-side box.

### Recycle At Work

The Recycle At Work campaign, sponsored by Metro and local area governments, began last month and since June, 130 area businesses have joined.

### Ready to sign up? It's simple and free!

Here's how your business can become a Recycle at Work partner:

- call Metro Recycling Information at 503.234.3000 to request desk-side boxes and on-site assistance to customize your business recycling,
- sign-up to receive campaign information at [www.recycleatwork.com](http://www.recycleatwork.com),
- ensure everyone in your office has a desk-side recycling box, and
- download an office poster at the Recycle at Work Web site.

## Join the YLS and OMLA at Kell's!

The Multnomah Bar Association YLS is holding a joint Drop-in Social with the Oregon Minority Lawyers Association (OMLA) in October. Since it was such a smash last year, YLS and OMLA will be hosting a second annual joint social on Thursday, October 26 from 5:30 to 7 p.m. at Kell's (located at 112 SW 2nd). This is a casual get-together and a fantastic opportunity to meet and network with lawyers from around the area. So grab your friends and co-workers and join in the fun at one of Portland's most beloved pubs.

We'll see you there!

## ABA Business Law and E-Discovery Publications 20% Discount to Members

### *Financial Statement Analysis and Business Valuation for the Practical Lawyer, Second Edition*

Written expressly for business lawyers, this best-selling guide takes you step-by-step through the key principles of corporate finance and accounting. This second edition will update the title's content and provide additions to reflect post Enron, SEC and FASB rules and new rules regarding merger and acquisition accounting.

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The MBA member price for this book is **\$135.96**, regularly \$169.95. We also encourage you to attend the second part of our

### *Business Law Breakfast CLE series* on October 26.

### *The Electronic Evidence and Discovery Handbook*

E-Discovery and the use of electronic evidence has increased dramatically over the past few years, but many lawyers still struggle with the complexities of dealing with electronic information. This comprehensive book provides lawyers with the templates they need to develop an effective E-Discovery strategy, and to frame appropriate E-Discovery requests. In addition to the ready-made forms, the authors also supply helpful information and commentary to bring you rapidly up to speed in the electronic discovery field.

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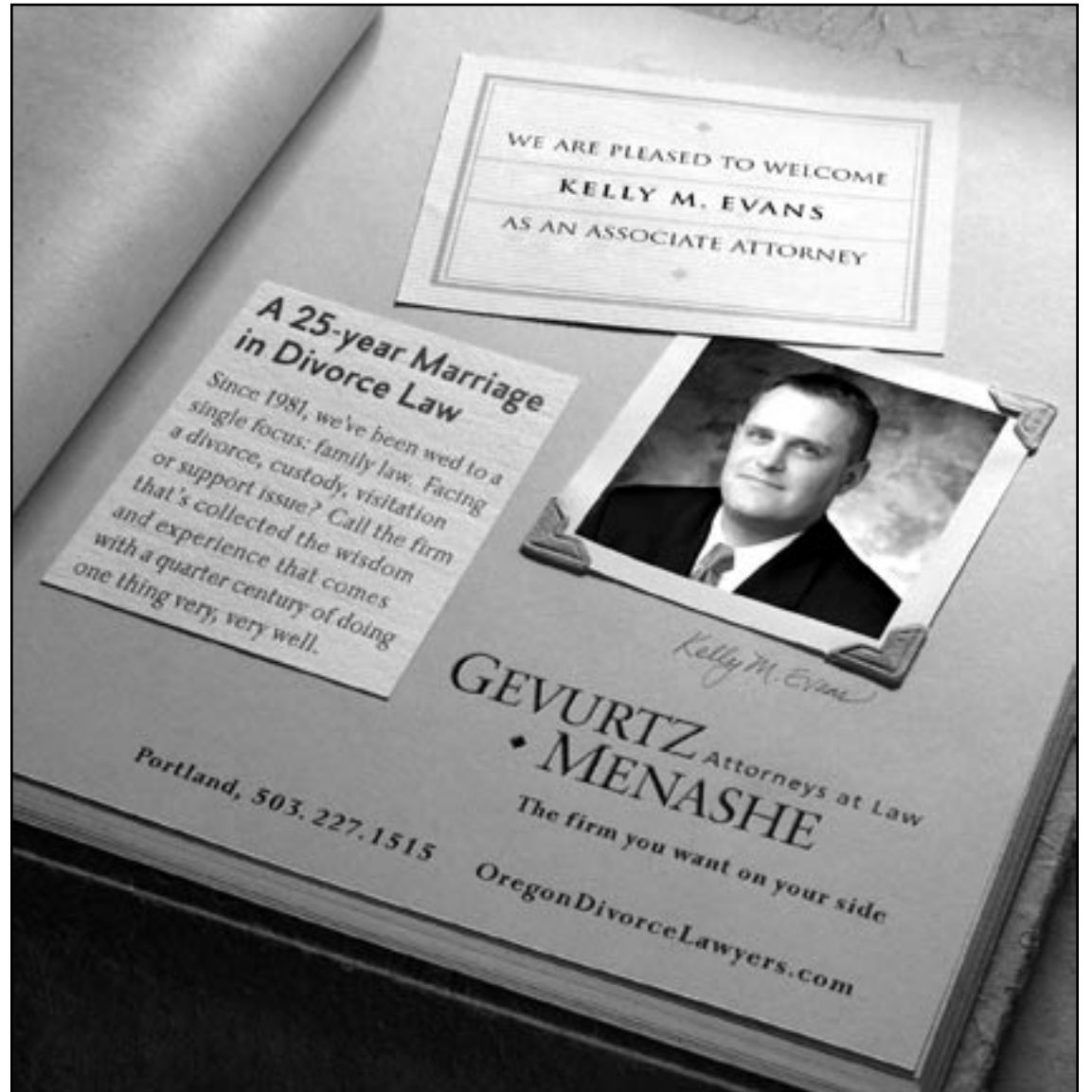


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# Multnomah Bar Foundation – Promoting Community Knowledge and Respect for the Law

By Jeff Matthews, Yates Matthews & Associates and Multnomah Bar Foundation Board President.

Founded in 2005, the Multnomah Bar Foundation (MBF) is a 501(c)(3) charitable and education nonprofit organization. The mission of the MBF is to advance community knowledge and respect for the law. To accomplish its mission, the MBF will support programs which encourage respect for the rule of law and will promote civic education and public participation in the legal system. MBF will also support projects related to the law within the scope of its mission.

Two dedicated funds have been established within the MBF, the MBA 100th Anniversary Community Gift Fund and Multnomah CourtCare. The Community Gift Fund makes grants to nonprofits for programs that promote civic education and participation. It was established in commemoration of the Multnomah Bar Association's 100th Anniversary. The Classroom Law Project (CLP) was chosen as the first grant recipient this year and it received

\$25,000 to expand its "We the People" civics education program into two middle schools and two high schools in Portland area.

The Multnomah CourtCare Fund supports the annual operations of the free childcare facility at the Multnomah County Courthouse. It is open to those who cannot afford childcare but have business to conduct at the courthouse. The program has been funded by \$25,000 annual grants from Multnomah County and the

Oregon Department of Justice via the Multnomah County Circuit Court. In addition, annual private funding of approximately \$100,000 has been generously contributed by the Portland area legal community. Volunteers of America operates the childcare facility.

The current officers of the MBF include Jeffrey S. Matthews, president; Sylvia E. Stevens, vice president; David A. Ernst, secretary/treasurer; and Robert E. Neuberger, immediate past

president. Other board members include Ruth A. Beyer, Catherine Brinkman, Michael A. Greene, Lynn T. Nagasako, the Honorable Adrienne Nelson, Robert D. Newell and Katherine H. O'Neil.

For more information about the MBF, to make a charitable contribution or to apply for a grant, please contact Judy Edwards, Executive Director of the MBA, at 503.222.3275.



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