



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

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

June 2007 Volume 53, Number 6



A Day at the Races

By Peter H. Glade, MBA President.

Yes, it took up a fair amount of my time, and yes, I'm glad that my presidential term is coming to an end. I will miss the pomp and ceremony and all the trappings of power. I will look forward to the meetings of former presidents who gather to trade reminiscences of their glory year and to share the

wistful sadness that comes from tasting the glory for a few brief moments, never to duplicate that triumph. But seriously, it has been a rewarding year, and I am grateful for having been given the opportunity to lead this great organization. I am proud that we have accomplished some important goals, but I wish we could have advanced a few more just a little further.

We started off identifying three important priorities for the 2006-07 year (these are, of course, in addition to the regular cycle of the MBA's annual routine). The first, the defeat of Measure 40, was very gratifying, and I believe we all owe those who contributed time and money to that effort a great debt of gratitude. It was a clear victory, but it has been a little hard to match in the other two priority challenges we faced this last year.

We have made some progress on getting a new courthouse, but I would like to have seen more. The county commissioners have formally selected a location at the foot of the Hawthorne Bridge. There seems to be a new energy and optimism among the planners who will be responsible for the project, and the commissioners seem to be forming a consensus view toward getting the job done one day soon, at least in theory. I am told that the governing powers all recognize the potential disaster inherent in our current courthouse. And I am sure that these same powers worry that one of the many potential incidents that could threaten the public will happen before we get that new courthouse built. But I don't have the impression that the public at large (i.e., the voters and taxpayers) appreciates the full dimension of the lasting, catastrophic and expensive disaster that would scar the community and state if just one of those calamities befalls the courthouse. Fire, earthquake, security breach. None is far-fetched. These are not fantasies. Smart people would plan for such challenges and be prepared to meet them. We have not, and it is hard to understand why.

Political calculations relating to the ability to fund design and construction of the courthouse will continue to mire the process down until a solid political constituency forms to back the effort to design, fund and build. The MBA has long championed this case, and many of its members have participated in study groups, commissions and committees formed to push the effort along. In the coming years, we need to pick up the pace. I have renewed hope that I may yet appear before a judge and jury in the new courthouse before I retire, but the legal profession will have to keep on supplying the leadership to slog through the political mire and get the job done.

The judicial branch also needs adequate funding. As I write this column, there has been little progress in obtaining the level of funding from the legislature requested by the chief justice, or even the cut back budget advanced by the governor. It looks like the legislature will not appropriate additional money for the department despite the growing economy. If I were to place a bet, I would say that after all the dust settles, there will be a little more money doled out by the legislature before the session ends. But even if the judicial branch is given more than that, we must step up the effort to inspire our legislators to recognize that the worn out, neglected and strained system of justice in which we have always taken such pride cannot continue to provide the necessary access and process to the community under these circumstances.

The fact that we still draw highly qualified candidates to open judicial positions has allowed some legislators to delude themselves into believing that the system is not broken and need not be fixed. The fact that our judges take their responsibility seriously enough to push their resources to the breaking point to provide minimal access to justice apparently reinforces the belief of some of our legislators that the system can run on less. The fact that qualified individuals continue to apply for the job seems to mean to those in charge of the budget that judicial compensation must be adequate. This vision lacks foresight beyond the next election. Click and Clack, the Tappet brothers, say that if you run your car engine too lean, you may save some gas, but eventually, the added heat will wear it out faster.

Many of the challenges remaining after I give up the levers of power will have a political element. The idea of getting involved in politics may cause some to shrink away, or to worry that by taking political stands, the MBA risks alienating or driving away part of its membership. These concerns miss the fact that the MBA's mission mandates stewardship of the justice system, and that means getting involved in politics, local and statewide, we have an obligation to jump into that arena and lead.

My picture? I was thinking of the Marx Brothers' *A Day at the Races*. Groucho, Chico and Harpo help save the Standish Sanitarium, which needs money to keep its doors open and avoid bankruptcy. They accomplish their goal by raising the money at the racetrack. I couldn't come up with a non-offensive, allegorical reference to this film. (Would I be comparing our courthouse to a sanitarium? Who does Groucho, the veterinarian turned psychiatrist, represent? And what about the horse?) But I kept the picture there in hopes you'd read this far to see what it meant.

Have a great summer.

New MBA and YLS directors Announced

The following members have been elected to the position of Director on the MBA and YLS Boards.

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MBA CLE

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

June

Thursday, June 14

E-Discovery - Practical Advice for Workplace and Practice

Jeff Condit

Jeff Matthews

Maryann Yelnosky Smith

The MBA 101ST Annual Meeting

Photos from the event will appear in the July/August *Multnomah Lawyer*.

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In This Issue

- Announcements.....p. 4
- Ethics Focus.....p. 4
- Sustainable Future.....p. 5
- Around the Bar.....p. 7
- Tips From the Benchp. 8
- News from the Courthouse....p. 8
- Retrospective: 3 Judges.....p. 9
- Shapel Quilts.....p. 9
- The Corner Office.....p. 9
- YLS.....p. 10
- Classifieds.....p. 14
- Multnomah Bar Foundation...p. 16

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NEW ON THE SHELF

By Jacque Jurkins, Multnomah Law Librarian.

JUDICIAL

DISQUALIFICATION: Recusal and disqualification of judges, 2d ed. by Richard E. Flamm. Published by Banks & Jordan Pub. Co., 2007. (KF 8881 F58)

PROBATE PRIMER. Course materials from the March 16, 2007, Oregon Law Institute program in Portland, 2007. (*KF 765 O7 O73pp)

THE LATEST IN PROBATE PRACTICE. Course materials from the March 16, 2007, Oregon Law Institute program in Portland, 2007. (*KF O7 O73L)

2007 OREGON FIRE CODE. Based upon the 2006

International Fire Code. Effective date April 01, 2007, authorized by ORS 476.030, adopted by OAR 837 Division 40, Oregon Building Code Division. (*KF 3975 O7 O72 2007-)

2007 OREGON MECHANICAL SPECIALITY CODE. Based upon the 2006 International Mechanical Code and the 2006 International Fuel Gas Code. Adopted by the Oregon Building Code Division, 2007. (*KF 5708 O7 O72 2007-)

2007 OREGON STRUCTURAL SPECIALITY CODE. Based on the 2006 International Building Code. Adopted by the Oregon Building Code Division, 2007. (*KF 5701 O7 O72 2007-)

BIOTECHNOLOGY AND THE LAW edited by Hugh B. Wellons and Eileen Smith Ewing. Published by the ABA, 2007. (KF 3133 B56 B63)

BIOETHICAL AND EVOLUTIONARY APPROACHES TO MEDICINE AND THE LAW by W. Noel Keyes. Published by the ABA, 2007. (KF 3821 K49)

ABC's OF ARBITRAGE: Tax rules for investment of bond proceeds by municipalities, 2007 ed. by Frederic L. Ballard. Published by the ABA Section of State and Local Government Law, 2007. (Tax KF 6775 B35 2007)

CALENDAR

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

June

5 Tuesday, YLS Drop-in Social at Aura

8 Friday, July/August Multnomah Lawyer deadline

14 Thursday, MBA CLE – New Electronic Discovery Rules See insert or register at www.mbabar.org.

14-16 Thursday-Saturday, OCDLA Conference Visit www.ocdla.org for details.

15-16 Friday-Saturday, MBA Board retreat

23 Saturday, YLS Board retreat

27 Wednesday, Multnomah Bar Foundation Board meeting

Wednesday, MBA Golf Tournament at Stone Creek Golf Club See insert or visit www.mbabar.org for details.

30 Saturday, SALC Race for Justice Visit www.salcgroup.org for details.

July

4 Wednesday, Independence Day Holiday – MBA office closed

12 Thursday, YLS Drop-in Social at Jax See p. 10 for details.

19 Thursday, MBA Golf Tournament at OGA Course at Tukwila See insert or visit www.mbabar.org for details.

26 Thursday, OMLA Summer Social and Fundraiser at WTC Visit www.omla.homestead.com for details.

August

10 Friday, September Multnomah Lawyer deadline

14 Tuesday, MBA Golf Championship at Pumpkin Ridge See insert or visit www.mbabar.org for details.

22 Wednesday, Multnomah Bar Foundation Board meeting

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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

All or Nothing: Aggregate Settlements

There are times in civil litigation when lawyers are representing parties in disputes involving multiple claimants who want to resolve all of the claims at once. The classic example comes from product liability litigation when multiple claimants represented by the same lawyer or law firm are pursuing their cases in the same court against a manufacturer represented by one lawyer or law firm. In that scenario, both sides have an incentive to at least examine a "group" or "aggregate" settlement to save time and expense and to bring the certainty of a negotiated resolution to what otherwise might be hard fought trials. The settlement offer in that situation is usually framed as: "My client will pay 'x' dollars to resolve all of these cases, but the offer is contingent on all of your clients agreeing to settle." Although product liability litigation provides the classic example, other ready illustrations come from employment litigation, mass torts such as automobile accidents or airplane crashes and personal and property damage litigation.

Aggregate settlements are permitted under RPC 1.8(g) within specified limits. The ethical questions are somewhat different for counsel on opposite sides. For the defense, the question is: "Can I make an aggregate settlement offer?" For the plaintiffs, the issues are: "How do I make the appropriate disclosure to my clients and, if they agree, confirm their consent?" In this column, we'll look at the underlying authority permitting aggregate settlements and the ethical questions that arise on both sides of counsel table.

Authority for Aggregate Settlements

As noted, aggregate settlements are expressly permitted under RPC 1.8(g): "A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims . . . unless each client gives informed consent, in a writing signed by the client." Oregon's version of RPC 1.8(g) mirrors both the corresponding ABA Model Rule and the former Oregon rule under DR 5-107. For counsel contemplating a possible aggregate settlement, the ABA issued a comprehensive ethics opinion on the subject last year, Formal Ethics Opinion 06-438, available on the ABA Center for Professional Responsibility's Web site, www.abanet.org/cpr.

The OSB has also recently discussed aggregate settlements in Formal Ethics Opinion 2005-158, available at www.osbar.org.



Defense Perspective

The answer to the question posed earlier is comparatively easy: because aggregate settlements are expressly allowed, it is permissible to make an "all or nothing" aggregate settlement offer under RPC 1.8(g). At the same time, that's not necessarily the end of the story for the defense. As we'll see in the next section, plaintiffs' counsel must make extensive disclosure to his or her clients to ensure their informed consent to any group settlement. Although defense counsel will not be privy to those attorney-client discussions on the other side, defense counsel would be wise to build some assurance into the settlement agreement that the plaintiffs have been fully advised by their lawyer and have been given adequate time to do so to prevent a later collateral attack on the settlement.

Plaintiffs' Perspective

There is no question that RPC 1.8(g) places the greater challenges on plaintiffs' side. That's because although resolutions of this kind are structured to resolve the claims of an entire group, each client retains his or her sole control under RPC 1.2(a) to settle their individual claim. Further, under RPC 1.7, the lawyer for a claimant group cannot act as a mediator between his or her own clients in allocating a group offer or in negotiating between clients (although under OSB Formal Ethics Opinion 2005-158 a client group could use an outside mediator or arbitrator to fill this role).

The keys from the plaintiffs' perspective under RPC 1.8(g) are making sure that the clients have adequate information to give their informed consent to their portion of a group settlement and then confirming that consent in writing.

On the former, RPC 1.8(g) specifies what the lawyer's disclosure to the client must include: "The lawyer's disclosure shall include the existence and nature of all the claims . . . involved and the participation of each person in the settlement." ABA Formal Ethics Opinion 06-438 draws on both the text of ABA Model Rule 1.8(g) and its accompanying comment to elaborate on the scope and elements of recommended disclosure:

- The total amount of the aggregate settlement or the result of the aggregated agreement. [Including whether the proposal is 'all or nothing.']
- The existence and nature of all of the claims, defenses . . . involved in the aggregated settlement[.]

ANNOUNCEMENTS

Know Your Rights – Domestic Violence Victims and Juvenile Handbooks Available From MBA YLS

The MBA YLS Pro Bono Committee is responsible for creating, updating and distributing Juvenile Rights and Domestic Violence handbooks. Last year both publications were reviewed by experts, updated, translated into Spanish and distributed. This year we are focusing solely on the distribution of the handbooks, which are intended to be a resource for lawyers and their clients. You may have already received hard copies in the mail. We have also put digital copies of the handbooks on the internet. You can find them both at www.mbabar.org.

If you have any questions regarding the handbooks, or would like a hard copy sent to you, please contact Shawn Menashe at 503.227.1515 or smenashe@gevurtzmenashe.com.

Oregon Lawyers Against Hunger (OLAH)

Thanks to all those who contributed to the 2006 annual fundraiser for the Oregon Food Bank (OFB). Firms competed for the Golden Can Award (highest contribution per capita) and Silver Barrel Award (highest total contribution). In 2006, Yates Matthews & Eaton won the Golden Can Award with a per capita donation of almost \$250. Bullivant Houser Bailey was awarded the Silver Barrel Award for raising more than \$20,000 as a firm, ending the nine-year winning streak held by Lane Powell.

Special thanks also go to all of the individuals and firms whose contributions put them in the "give a ton club" and the "1,000 lb club."

OLAH will launch its eleventh annual fundraiser to benefit the OFB on September 24. OLAH hopes to exceed the \$1 million mark for total fundraising. For more information about OLAH, contact Tim Calderbank at 503.499.4642. For information about the OFB, visit www.oregonfoodbank.org.

SALC Race for Justice

On Saturday, June 30, St. Andrew Legal Clinic will hold its 7th Annual "Race for Justice" event

in NE Portland. A popular outdoor event for members of the legal community and their families, the race begins at 10:15 a.m., starting at The Madeleine Parish. Walkers and runners will participate in a 5k course. A Kids' Fun Run also will be held for children ages 3-10. A post-event party will immediately follow the race in the parish hall, where participants will enjoy free pizza, beverages, live music and awards.

The 2007 "Race for Justice" is underwritten by Kent & Johnson, LLP and Safeco Insurance. Additional sponsoring law firms and companies include adidas, Ater Wynne LLP, Bullivant Houser Bailey PC, Clackamas County Family Law Group, Gevurtz Menashe Larson & Howe PC, Gilroy Law Firm, Perkins Coie LLP, Schmitt & Lehmann, Inc. and Stoel Rives LLP. The event goal is to raise \$100,000, all of which will go directly toward helping SALC provide more low-income families with legal assistance. About 350 walkers and runners are expected to register.

The fee to participate is \$35 before June 5 and \$40 for those who register thereafter. The fee is waived for those who raise \$100 or more in pledges. Though pre-registration is encouraged, on-site registration will be available for \$45. Registration for the Kids' Fun Run is \$5. For more information about this year's event or to register, please call 503.281.1500 ext. 24, or visit www.salcgroup.org before Wednesday, June 27.

MBA Bike Rides

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

FBA Luncheon

On June 21 at the University Club, the FBA luncheon speaker will be Judge Leavy of the US Court of Appeals for the Ninth Circuit. Judge Leavy will speak on Motions Procedures and Case Screening by the Ninth Circuit Court of Appeals.

Please RSVP to Ann Fallihee by Tuesday, June 19, afallihee@barran.com, or 503.276.2129. Cost: \$18 for members, \$20 for nonmembers; \$12

for government, solo and small firm attorneys. Checks payable to the FBA may be sent to FBA Oregon Chapter, c/o Ann Fallihee, Barran Liebman, 601 SW 2nd Ave Ste 2300, Portland OR 97204, or you may pay at the door.

Federal Judge to Speak Following Documentary

The Honorable Thelton Henderson, US District Court Senior Judge, Northern District of California, will be in Portland on August 6 to speak and answer questions following the playing of his documentary film, *Soul of Justice*. The film is free and will be shown during lunch in the jury assembly room of the Hatfield Courthouse.

Judge Henderson is a graduate of Boalt Hall. He was the first black Justice Department lawyer in the South in the early 1960's; and he has had a distinguished career as a lawyer, an academic and a judge. In the late 1960's, after directing a legal services office in East Palo Alto, California, Judge Henderson moved to Stanford Law School, where he created Stanford's minority admissions program. Judge Henderson spent several years in private practice as a civil rights lawyer before he was appointed to the Federal District Court bench by President Carter in 1979.

In this inspiring film, Abby Ginzberg, a lawyer and award winning producer of documentary films, has captured the highlights of Judge Henderson's life, from his humble beginnings in Watts to his still active career on the bench.

Anyone interested in meeting and talking with a front line civil rights attorney should not miss this event.

Estacada Golf Tournament Supports Fireworks Show

The Golf Tournament on June 16 is sponsored by the Estacada Area Community Events and all the proceeds go to the Estacada 4th of July Show (the biggest fireworks show in Clackamas County). There will be an awards BBQ dinner following the tournament. For details, visit www.estacadaareaevents.com or call 503.630.3909.

• The details of every other client's participation in the aggregate settlement . . . whether it be their settlement contributions, their settlement receipts . . . or any other contribution or receipt of something of value as a result of the aggregate resolution. For example, if one client is favored over the other(s) by receiving non-monetary remuneration, that fact must be disclosed to the other client(s).

• The total fees and costs to be paid to the lawyer as a result of the aggregate settlement, if the lawyer's fees and/or costs will be paid, in whole or in part, from the proceeds of the settlement or by an opposing party or parties.

• The method by which costs (including costs already paid by the lawyer as well as costs to be paid out of the settlement proceeds) are to be apportioned among them." (*Id.* at 5; footnotes omitted.)

On the latter, ABA Formal Ethics Opinion 06-438 notes that the disclosure "must be made in the context of a specific offer or demand . . . [and a]ccordingly, the informed consent required by the rule generally cannot be obtained in advance of the formulation of such offer or demand." (*Id.* at 6; footnote omitted.) It also notes that if the disclosure needed to "inform" consent is protected by the attorney-client privilege or

Continued on page 12

Oregon Lawyers for a Sustainable Future

By Dick Roy.



resounding. Lawyers are definitely standing at the sidelines, and we should do something about it!

With that acclamation, Oregon Lawyers for a Sustainable Future (OLSF) was born. Before we examine the role of OLSF, a bit of background will provide context.

The classic statement of sustainability is found in a 1987 report issued by the UN World Commission on Environment and Development (the Brundtland Report):

Sustainable development is meeting the needs of the present without compromising the ability of future generations to meet their needs.

Although that sounds reasonable enough, achieving that goal will require reversal of trends with very substantial momentum.

As a starting point, experts tell us that the earth cannot sustain human activity at its current level. And our burgeoning worldwide population of 6.5 billion will likely not level off at less than 9.0 billion. An even more perplexing problem is the global economy. At a time when we need to reduce per capita consumption of energy and resources, the economy is pulling in the opposite direction by, for

example, supplanting the bicycle with the SUV as the vehicle of choice in all of Asia.

Because of these trends, the Northwest sustainability movement emerged in the 1990s to redress practices that do harm to the natural world. Within the business community, this meant adopting new practices. For example, Hot Lips Pizza began to create toppings that change seasonally with the availability of local produce, and Nike took steps to remove toxic solvents from the glue used in its offshore plants.

The icon of the sustainability movement is the three-legged stool: (1) Ecology, (2) Economy, and (3) Equity (or society). As a business strategy, leading-edge corporations now pursue the "triple bottom line" – an acknowledgement that environmental and social factors must be considered in decision-making.

With such a compelling issue facing the nation, why have lawyers been standing at the sidelines? It turns out there are some very good reasons, as well as one common rationale that may not withstand cross examination: *I realize that sustainability is an absolutely critical societal issue, but the exigencies in my day do not allow for my personal*

attention to be directed at something so remote as the future.

In contrast, let's consider the practice of architecture, which is at the cutting edge of the sustainability movement. The US Green Building Council has created a clever rating system for new construction. The sought-after LEED certification (Leadership in Energy and Environmental Design) is quickly becoming the norm. As a result, the entire profession of architecture is deeply involved in the sustainability movement, and expertise in sustainability has become a business development strategy.

With this backdrop, OLSF has undertaken five initiatives to encourage the legal profession to play a more central role.

1. Educating lawyers. We have developed an educational seminar, "Dimensions of Sustainability - the Emerging Context of the Practice of Law," which has been offered on 15 occasions. Additionally, OLSF offers a four-session earth leadership seminar to small groups of lawyers.

Continued on page 6

What happens when you host three lunch groups totaling 43 lawyers to examine a possible indictment of the legal profession? In early 2006, with the trepidation of a novice spelunker exploring a very dark cave, I took that step to address the following question: ***Is the legal profession standing at the sidelines of the greatest human adventure of all time – the struggle to create a sustainable future?*** If so, why, and what should be done about it?

Counting notes from the meetings and answers to a follow-up questionnaire, I accumulated 12,000 words of raw data. The thrust of the response was both clear and

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Top 10 Things a Law Office can do to be More Sustainable

1. Provide recycling containers at each work station
www.portlandonline.com
Free recycling boxes are available to all offices throughout the metro region. Recycling guidelines are printed right on the box. Notify your janitor if adding new recycling containers, or let employees know if they're responsible for emptying their own containers.
2. Print double-sided
Link: www.metro-region.org/article.cfm?ArticleID=532
Print all pleadings, motions, copies and other documents filed in the courts double-sided. In 1997 the Oregon Legislature passed a law prohibiting courts from declining such filings.
3. Review documents on screen
Says one lawyer, "While assisting attorneys in preparing for trial, I would estimate that I reviewed approximately 4,000 pages this way, and needed to print only 5 or 6 of the pages for the attorney's review."
4. Go electronic
www.portlandonline.com
Some examples include letterhead, audit letters, client bills, procedures handbooks, court exhibits, client listings, telephone rosters and legal newsletters.
5. Use recycled-content paper
www.conservatree.com
Recycled content paper has evolved to meet your performance and brightness standards. Look for at minimum 30 percent recycled-content. Go even further by establishing a purchasing policy giving preference to products with recycled content whenever available at a cost of up to 15% more than the same item without recycled content.
6. Use a green caterer
www.portlandonline.com
Work with caterers that minimize the use of disposable packaging by using permanent dishware and buffet-style service as opposed to traditional box lunches. Give preference to locally grown and organic foods, and supply durable dishware for internal office use.
7. Green your cleaners
www.portlandonline.com
Make sure the janitorial company that services your space uses non-toxic products to keep your indoor air healthy and environmentally friendly. Choose non-toxic markers for your whiteboard,

- and add plants to your workspace to absorb harmful chemicals and clean your indoor air naturally.
8. Turn off your computer at the end of the day
www.energystar.gov
Save money and energy by turning off your computer at night. Can't handle waiting for it to re-boot in the morning? Energy-saving alternatives to leaving it on include turning off your monitor, or setting your computer to hibernate.
 9. Take alternative transportation to work
www.portlandonline.com
Bus, bike or walk to work. You'll prevent pollution, save money on parking and stay fit. There are many Portland resources to help you be an alternative transportation pro. Encourage your firm to provide Flexcar membership for emergency trips from work, and to subsidize your alternative transportation choices.
 10. Consult the Office of Sustainable Development's Green Tenant Improvement Guide before your next remodel.
www.portlandonline.com
Every day in Portland, there are countless offices being remodeled, facilities being upgraded and employees being relocated. The Green Tenant Improvement Guide is a step-by-step handbook for workspace design and construction. It's packed with practical advice for creating high performance workspaces that are not only respectful of the environment, but efficient and cost effective too.

Oregon Lawyers for a Sustainable Future

Continued from page 5

2. **Office practices.** We have developed four tools for the sustainable law office, which can be downloaded from our Web site, www.earthleadershipcenter.org/OLSF: (1) Model law office policy; (2) Checklist for the operation of a law office; (3) Checklist for construction of tenant improvements; and (4) Checklist for the building manager.
 3. **Laws.** We are developing a framework to assess laws and regulations through the lens of sustainability. As an initial matter, a task force of corporate lawyers drafted an amendment to the Oregon Business Corporation Act.
 4. **Sustainable Lawyer Handbook.** We are creating a handbook with essential knowledge for the concerned lawyer.
 5. **Statewide study.** To establish baseline information for future initiatives, we organized a task force to study the interface between (a) the legal profession and (b) the sustainability movement. Task force members include representatives of OLSF, the three Oregon law schools, and three sections of the OSB: Business, Environment and Natural Resources, and Government Laws.
- These initiatives are in line with the OLSF mission: *Oregon lawyers using professional skills and knowledge in service to future generations and the earth.* As guardians of justice, we believe the fundamental concept of justice should be expanded to encompass the rights and opportunities of future generations. If that sounds like an idea whose time has come, OLSF would like to hear from you.

A graduate of Harvard Law School, Dick Roy practiced corporate law at Stoel Rives from 1970 to 1993. He then joined his wife Jeanne to work as a full-time volunteer in the emergent sustainability movement.

Together they have co-founded the Northwest Earth Institute, the Oregon Natural Step Network,

and recently the Center for Earth Leadership (503.227.2807 or www.earthleadershipcenter.org).

Four Tools for the Sustainable Law Office

The following tools can be downloaded from the Oregon Lawyers for a Sustainable Future Web site: www.earthleadershipcenter.org/OLSF/office_practices:

1. Model Law Office Sustainability Policy
2. Checklist for Sustainable Office Practices
3. Guidelines for Tenant Improvements
4. Sustainable Practices for the Building Manager



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Gonzaga University School of Law to hold Portland Site Interviews

- WHEN:** Monday, September 17, 2007
- WHERE:** Interviews will be conducted in Portland! The School will provide a rented interview room or you may interview students at your office.
- WHAT:** An opportunity for you to interview the law school's 2L and 3L students for summer internships and associate positions.
- REGISTRATION:** You can find the registration form at <http://www.law.gonzaga.edu/Career+Services/default.asp>, or contact Holly Brajcich, Director of Career Services at 509-323-6122, hbrajcich@lawschool.gonzaga.edu for information.

AROUND THE BAR

STANDARD INSURANCE COMPANY
Jessica Carpenter has joined the Insurance Services Group Legal Department.



Kelly Hagan

While attending law school and during his first few years as a lawyer, Hagan competed for the University of Oregon men's club team and in Amateur Athletic Union competition. After a hiatus of more than 15 years, Kelly returned to volleyball as a coach for the Catholic Youth Organization of Portland, where his teams played for the city championship two years running. During that time, Kelly became active in his USVBA region. He served on the regional board of directors from 2001 until 2006, chairing a number of ad hoc and board subcommittees. Hagan joined the Multnomah Athletic Club (MAC) Juniors Volleyball program in 2003 as a coach member. His MAC U12 teams are consistently among the top 10 in the region. He currently chairs the MAC volleyball committee and is club director for MAC Juniors Volleyball.

Nancy Chafin has joined the firm's business and finance group in Portland.



Nancy Chafin

Chafin has more than 20 years of experience representing clients in business transactions with a focus on mergers and acquisitions, financing, and securities law.

Carrie M. Wood, a new associate, has been elected to the Women Entrepreneurs of Oregon board of directors. The organization assists women-owned businesses by providing access to professional educators, mentoring opportunities and other professional resources. Wood will serve as director at large. In her legal practice, Wood focuses on business law.



Carrie Wood

SCHWABE, WILLIAMSON & WYATT
 Recognized community leader **Román Hernández** has been elected national vice president of programs for the Hispanic National Bar Association. Hernández was also recently promoted from associate to shareholder at Schwabe, where his law practice is focused on the defense of employers against claims filed by employees for allegations of discrimination, harassment, constructive discharge, wrongful discharge and for alleged wage-and-hour violations, in both state and federal courts.

Firm shareholder **Kelly Hagan** was awarded the US Volleyball Association (USVBA) Junior Volleyball Service Award for a Male Coach. The award recognizes outstanding dedication and commitment to youth and Junior Olympic volleyball.

"Although I received a Bachelor of Arts degree in political theory, what I really majored in was volleyball," jokes Hagan. "Passing along what I've learned about volleyball to the kids I coach is very rewarding."



Keith Ketterling

STOLL STOLL ET AL
Keith Ketterling, managing shareholder, was honored by *Commerce Magazine* as Mentor of the Year, for his focus on the next generation of lawyers in the firm.



Victor Kisch

STOEL RIVES
Victor Kisch, a principal in the law firm, was recently elected as the Portland Classical Chinese Garden's Chair of the Board for 2007-08.

Kisch is co-chair of the firm's labor and employment practice group. For more than 20 years, he has specialized in labor and employment law. His practice focuses on employment litigation, counseling and training, as well as advising employers about labor issues.

BIER FAMILY LAW
Lilian Bier announces the opening of her new practice, located in Peterkort Centre. The firm specializes in domestic relations law, including adoption, divorce, custody, support issues, restraining orders and pre-marital agreements. Bier welcomes new clients in her offices at 9755 SW Barnes Rd, Portland OR 97225. She may be contacted by phone at 503.595.4141, by email at lbier@bierfamilylaw.com and by fax at 503.228.5950.



Scott E. Nielson

SCOTT E. NIELSON
Scott E. Nielson has relocated his office to 5933 NE Win Sivers Dr Ste 224, Portland OR 97220. He may be reached by telephone at 503.329.0229 and by email at law@snielson.net. Nielson will continue to represent small business interests, elder law and estate planning clients, their supporting relatives and friends, and social security clients and their related family law issues.



Brad Stanford

FARLEIGH WITT
 Shareholder **Brad Stanford** was recently selected President of the Association of Ski Defense Attorneys. Stanford's practice focuses on business litigation, products liability and insurance defense, with particular expertise in ski area risk management.



Tara Schleicher

Shareholder **Tara Schleicher** recently received national board certification in business bankruptcy law by the American Board of Certification. Her practice emphasizes bankruptcy and creditors' rights, and she represents debtors, creditors, trustees and creditors committees in bankruptcy cases and bankruptcy-related litigation.



Mark Olmsted

MARK OLMSTED
Mark Olmsted has opened an office as a sole practitioner. His practice will continue to emphasize civil litigation. Contact him at One SW Columbia St Ste 1110, Portland OR 97258, phone 503.445.4453, email mark@olmstedlaw.com.

MILLER NASH
Christopher Rycewicz has joined the firm. He brings more than 20 years of experience to the firm, where he will focus on environmental and natural resources issues, pursuing insurance claims for policyholders and complex civil litigation.



Christopher Rycewicz

METRO PUBLIC DEFENDER Rachel Bredfeldt joined the Metropolitan Public Defender and will be working in the Multnomah County Office.

AMBROSE LAW GROUP
Christopher Ambrose of Ambrose Law Group has been named President of the Oregon Mortgage Lenders Association. Ambrose Law Group is a business and real estate law firm that particularly specializes in real estate finance and development.

LARKINS VACURA
 The firm has added two attorneys: **Peter Leichtfuss**, a skilled real estate lawyer with extensive experience in both litigation of real estate disputes and assisting clients in real estate transactions, and **Christopher J. Kayser**, a diversely qualified lawyer who has represented clients in a wide variety of civil and white-collar criminal litigation in state and federal courts throughout the US.

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

Congratulations to our colleague

Román D. Hernández



on his recent appointment as Hispanic National Bar Association's National Vice President of Programs.

Mr. Hernandez focuses his practice in the areas of employment law and business litigation. He can be reached at 503-796-2935 or rhernandez@schwabe.com

The HNBA is a nonprofit, national association representing the interests of over 38,000 Hispanic American attorneys, judges, law professors, law graduates, law students, legal administrators, and legal assistants or paralegals in the United States and Puerto Rico.

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Tips from the Bench

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

Trial judges are frequently presented with requests for attorney fees in a variety of circumstances. The procedure for seeking attorney fees is found in ORCP 68, which you should read at the earliest date possible if you think your client may be entitled to an award of attorney fees from the adverse litigant. Read the rule before you file a complaint, answer or other pleading. Read the rule before you file a motion, if you might seek an award of attorney fees if you prevail on the motion.



And from a practical standpoint, here are Judge Jerome LaBarre's top 10 common sense pointers on requesting court awarded attorney fees:

1. **Narrow the issues.**
Confer and try to work out agreements with opposing counsel on what's undisputed.
2. **Make a complete record.**
Touch all of the many bases required and put competent evidence before the court in your submissions and presentation so it can withstand your opponent's attacks and the court's scrutiny.
3. **Make the judge's job easy.**
The trial judge is required to make findings of fact and identify the factors relied on in making a reasonable fee award – it's in your interest to facilitate this.
4. **Don't assume the trial judge knows it all.**
The bench is diverse. For many judges civil practice experience is either dated or maybe even nonexistent.
5. **Submit expert testimony – or at least seriously consider it.**
On any sizeable fee request expert testimony is the tried and true way to support your fee petition.
6. **Use persuasion in your written and oral presentations.**
Don't assume that the need for fine advocacy ended when you prevailed on the merits.
7. **Don't be greedy.**
Expect that you probably will not get paid by your opponent for every single hour from day one until the file is closed. Don't risk your credibility on nickels and dimes.
8. **Be transparent.**
At every turn show the court how you have been reasonable. Use good billing judgment. Where you are reducing your time or making other concessions – point it out.
9. **No cheap shots.**
The case may have been contentious but still be "the complete professional" at all times.
10. **Eyes on the prize.**
Always keep the big picture in focus and try to settle the fee claim, if you can, to avoid appeals.

FEDERALIST No. 79

Alexander Hamilton

1788

(Excerpts from the Federalist No. 79 follow. The topic under discussion in No. 79 was chosen for its relevance to today's concern for judicial salaries.)

"To the People of the State of New York:

NEXT [emphasis in original] to permanency in office, nothing can contribute more to the independence of the judges than a fixed provision for their support... In the general course of human nature, A POWER OVER A MAN'S SUBSISTENCE AMOUNTS TO A POWER OVER HIS WILL. And we can never hope to see realized in practice, the complete separation of the judicial from the legislative power, in any system which leaves the former dependent for pecuniary resources on the occasional grants of the latter. The enlightened friends to good government in every State, have seen cause to lament the want of precise and explicit precautions in the State constitutions on this head. Some of these indeed have declared that PERMANENT salaries should be established for the judges; but the experiment has in some instances shown that such expressions are not sufficiently definite to preclude legislative evasions. Something still more positive and unequivocal has been evinced to be requisite. The plan of the convention accordingly has provided that the judges of the United States shall at STATED TIMES receive for their services a compensation which shall not be DIMINISHED during their continuance in office.

"This, all circumstances considered, is the most eligible provision that could have been devised. It will readily be understood that the fluctuations in the value of money and in the state of society rendered a fixed rate of compensation in the Constitution inadmissible. What might be extravagant to-day, might in half a century become penurious and inadequate. It was therefore necessary to leave it to the discretion of the legislature to vary its provisions in conformity to the variations in circumstances, yet under such restrictions as to put it out of the power of that body to change the condition of the individual for the worse. A man may then be sure of the ground upon which he stands, and can never be deterred from his duty by the apprehension of being placed in a less eligible situation ..."

"... This provision for the support of the judges bears every mark of prudence and efficacy; and it may be safely affirmed that, together with the permanent tenure of their offices, it affords a better prospect of their independence than is discoverable in the constitutions of any of the States in regard to their own judges ..."



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

Presiding Judge's Report

Judge Koch introduced Judge Jean Maurer as the recently appointed deputy presiding judge. She will transition into the duties of the presiding judge. Judge Koch completes his second full term on December 31. Later this year, Chief Justice DeMuniz will formally name the next presiding judge to begin a two year term starting on January 1, 2008.

Two new referees have been hired. Committee member Greg Silver left the Metro Public Defender's office to take a referee position starting May 7. Pro Tem Judge Michael Zusman will be filling the second position beginning on June 18. The new judges fill the referee positions vacated by Judges Cheryl Albrecht and Tom Ryan. All judicial vacancies are now filled but we can expect additional vacancies later this year.

Judge Koch reported that the judicial budget is slowly making its way through the legislative process in Salem. The Co-Chairs of the Joint Committee on Ways and Means have proposed a biennial budget of \$304 million. Their proposal is less than the amount needed to support current operating requirements of the judicial department. The \$329 million proposed by the governor would meet most of the judicial department needs for the next biennium, including judicial salary increases. With the co-chair's budget, there will be a reduction in services since it does not cover increases due to the inflationary effect on the cost of doing business since June 30, 2005. The co-chairs' proposal does not recognize the 2007-2009 cost levels for continuing current services and there are no funds allocated for new technology or for a judicial salary increase. Oregon's judicial salaries are among the lowest in the nation.

The majority of the court's efforts are devoted to criminal matters. Approximately 10 judges handle the family law and juvenile matters, with the remainder split 80/20 between criminal and civil matters. Judge Koch cited recent filing statistics: 26,000 criminal filings; 22,000 civil filings and 18,000 small claims; 120,000 traffic citations; 300,000 parking

citations; and 17,000 family court cases including juvenile, probate and mental health cases.

Doug reported that there were originally two bills introduced regarding court facilities. These bills (SB 733 and HB 2857) grew out of a joint task force staffed by the Oregon State Bar and led by Chief Justice Paul DeMuniz. Those bills have stalled. At present there is a proposal (as an amendment to current HB 2331) to establish a statewide commission to be funded for only two years by half of the additional revenue provided by a proposed increase in court filing fees. If approved by the legislature, the filing fee increase would take effect on passage; the remainder of the fee increase would be provided to legal aid. But, under this proposal, there would be no long-term solution to the circuit court facility impasse.

Doug noted that any bar support of the budget would be helpful. It was agreed that members of the committee should individually undertake efforts with the legislative delegation to support the judicial department's need for restoration of the governor's recommended budget of \$329 million for the 2007-2009 biennium.

Jury Verdict Update

The Jury Verdict Report has been updated for 2005 and 2006 and portions of 2007 verdicts will be available by August.

Judicial Practices Survey

The judicial practices survey has been received from all judges but two and the compilation is now available for purchase from the MBA. To order a copy, visit www.mbar.org.

Judicial Profiles

Judicial profiles from past issues of the *Multnomah Lawyer* are being assembled for future inclusion on MBA Web site, possibly with photographs.

Clackamas and Washington County Bar Reports

Clackamas
Kathryn Villa-Smith provided a report on the status of the

Clackamas County Bar Association. There remains an opening on the bench after Judge Lowe's retirement. They have interviewed candidates and it is expected that the governor will make an appointment in July. The Clackamas County Court has also established a program to handle complex construction defect litigation. The program is similar to Multnomah County's. The cases will be designated complex by presiding Judge Steven Maurer. The library has been relocated out of the courthouse and its former site is now used to house Judge Maurer's chambers. Kathryn also informed the committee that Clackamas County offers a courthouse security pass. There are also prepaid parking passes available from Oregon City to park on the street at metered parking spots.

Washington

Ken McNeil is president of the Washington County Bar. He cited the need for a new Washington County courthouse and mentioned that there were discussions to expand into the judicial services buildings. The county currently has 13 judges, one pro tem and one referee. The bench has experienced about 50% turnover over the last few years and the county's most senior judge, Tim Alexander, will likely be retiring shortly. Judge Thomas Kohl is presiding judge and Judge Mark Gardner currently handles the civil docket. The county is growing very quickly and judicial facilities and services will need to keep pace. The county also offers a security pass for courthouse access.

Miscellaneous

Mike Lewton recommended that next year, the committee evaluate the possibility of establishing a tri-county joint sub-committee to discuss coordinating the three courts' civil dockets, set over policies and date certain trials.

Committee members were reminded that the annual campaign for CourtCare funding was underway. Members were encouraged to donate to this worthy cause.

Retrospective - Judges, Bergman, Johnson and Beckman

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

Earlier this year, Multnomah County Circuit Court Judges Linda Bergman, Nely Johnson and Douglas Beckman retired from the bench. These three judges collectively contributed over 60 years of service to the Multnomah County bench.

The MBA extends its thanks and appreciation to all three judges for their years of service to the bench, the bar and the citizens of Multnomah County.

Judge Linda Bergman



Judge Linda Bergman retired after a 27 year tenure on the bench. She primarily presided over criminal cases, but was also chief judge of the juvenile court for seven years.

Judge Bergman looks forward to her assignments as a senior judge. "I can antique my way across the state." She also plans to volunteer with a nonprofit where she can continue to impart her experience and knowledge to aid others. "After so many years on the bench, I really look forward to client contact and real conversations."

Judge Bergman approaches her retirement years with the same enthusiasm that she exhibited during her tenure on the bench. Linda has many interests and activities to keep her busy. Initially,

the judge is going on a whale watching expedition in Baja's Sea of Cortez. She also looks forward to gardening, cross country skiing and becoming more familiar with computers. "I'm also going to try tent camping to see if I still like it." She continues, "I'm looking into trying the Dragon Boats!"

Judge Bergman will stay in Portland at her old craftsman house. "Now I'll have the time to hook up that light on the back porch." She also looks forward to spending additional time at her beach cabin in Tillamook County. The judge contemplates, "Now I can go down there and not even know when I'm coming back." She looks forward to spending time with her family, including three grandchildren, whom, she says, "still think I'm cool."

Judge Bergman reflects fondly on her years on the bench. "We're very lucky. Multnomah County is a very collegial bench and one that I am proud to have been part of. All the years have just been wonderful!"

Judge Nely Johnson

Judge Nely Johnson was initially elected to the district court in 1984. Later, she was elected to the circuit court. Prior to her election to the bench, Judge Johnson worked for Oregon State Public Interest Research Group and later with the Public Defender's Office, where she worked with her future fellow jurists Linda Bergman and Ancer Haggerty.

Judge Johnson admits that after 24 years on the bench it takes a while to get used to the thought

of retirement. "I really don't feel retired yet ... It's nice, because now I can actually play golf during the week." One of her first orders of business is hosting the annual judge's potluck.

Judge Johnson will continue as a senior judge, which requires 35 days of service per year over the course of five years. She also looks forward to serving as a mediator. The judge admits that she did not plan particularly for retirement, but has been enjoying the flexibility that it brings. "I might take some painting classes and I plan to pick up tennis again. I have worked since I was 15 years old; I now want to be able to play a little bit."

Judge Johnson emigrated from Romania when she was 15. She returned to Romania as part of the ABA and State Department's efforts to assist in the training of the Romanian judiciary and prosecutors. This coming September, the judge looks forward to returning to Romania, but this time strictly for a vacation.

Besides painting classes, tennis and golf, she also looks forward to spending quality time with her family. Judge Johnson plans to stay in Portland, while also enjoying their place in central Oregon. Her husband, David Wilson, is also an attorney who continues to practice. The couple has three grown children, two cats (which they inherited from their children) and a resident dog, Charlie.

Judge Johnson reflects on her years on the bench stating that "being a judge is a very difficult

job that does not get any easier. Each case deserves attention and energy." One of the more difficult cases that Judge Johnson recalls presiding over involved the Lovejoy Clinic protests. The case was "philosophically and politically divisive" and presented "a difficult atmosphere to make informed and thoughtful decisions."

The judge admits that she'll miss the bench, "Personally, I'll miss the human interaction and the stories from fellow judges, lawyers and the litigants. Every trial is a human drama of sorts."

Judge Douglas Beckman



Judge Douglas Beckman was appointed to the bench in 1993 by Governor Barbara Roberts. Prior to his appointment, Judge Beckman maintained an active civil trial practice as a partner with the Davis Wright Tremaine firm.

Judge Beckman is now on a senior status and will be presiding over trials throughout the state. His first appointment was a one-week assignment to the Malheur County

Court in Vale. "I've never presided over a case outside of Portland, so I'm really excited to hear cases throughout the state." The judge quips, "Have robe will travel!"

Doug and his wife, Joanna Cecilian, have downsized to "a little cottage" in NE Portland. "We like to leave a small footprint." Retirement will not be idle time for Judge Beckman. Already, he has a busy schedule serving as an arbitrator and mediator. Doug also looks forward to traveling. He visited family in Alaska this spring and spent the month of May in Italy at Lake Cuomo and the surrounding area. In short, Doug plans to enjoy his family, friends, travel, gourmet cooking and walking his dog, a Scotty poodle mix named Daisy.

Judge Beckman reflects that one of the most memorable experiences of his tenure on the bench was the time that he presided over the STOP court drug treatment program, which has become a model for the rest of the country. "The assignment suited me to a T. We were really helping people who need help."

"We have many excellent judges in Multnomah County. We have a great crop of new judges joining the bench as well." Judge Beckman enjoyed his tenure on the bench, stating "It's the greatest job I could ever imagine. I loved it."

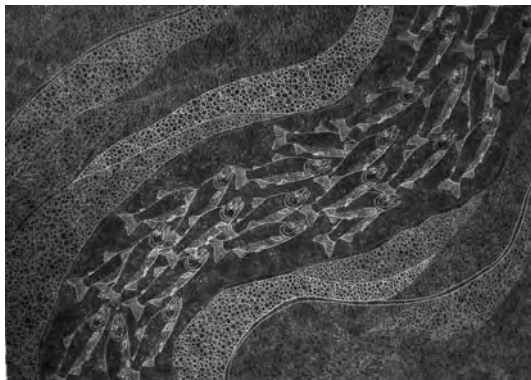
The MBA wishes to thank Judges Bergman, Johnson and Beckman for their numerous years of public service and their contribution to the rule of law.

Shapel Quilt on Display

The MBA is fortunate to have contemporary fiber artist Barbara Shapel's beautiful quilts on display in our board room.

Shapel focuses exclusively on fiber art. Her two-sided quilts, where the back is the reflection of the front, offer the viewer a different perspective of the same piece. She is an award winning quilter and her work is in many private collections and has appeared in a number of shows and locations.

The artist's statement: "Light, line, color, texture and fabric fascinate me. I am particularly fascinated by the changes in the look of the quilt as varying amounts of light pass over the surface of the piece. The creation of surface texture is achieved through the use of a variety of threads and thread colors. Some of my work features densely quilted patterns which are achieved with little or no marking done on the surface of the quilt - it is like drawing with an electric needle instead of a pencil."



Quilt by Barbara Shapel, "Migration"

The Corner Office

Professionalism in a Transactional Practice

Most of the articles discussing attorney professionalism address a lawyer's duty to his or her client, the court and opposing counsel, primarily in a civil litigation or criminal law context. There are, however, various ways in which professionalism affects lawyers engaged in a transactional practice.

When working on a transaction, it is very important to maintain a professional demeanor to not only opposing counsel, but also to your client and the opposing party. Often in a transaction there is direct contact between you, as the lawyer on one side and the opposing party. While it is critical to avoid contacting the party you know is represented by counsel, there are often times when the other party may contact you directly for an answer. Professionalism dictates that you help to the extent you can, but include that party's attorney in any response in order to avoid any ethical improprieties.

Another professionalism issue that arises in a transactional practice is the handling of documents. Seasoned transactional attorneys will often strive to identify who has control over the documents, so that there are not multiple versions which may complicate the matter. Quality attorneys will make redline changes directly in a document, thereby moving the transaction forward in a timely manner, while still letting opposing counsel know what changes were made. Similarly, professional transactional attorneys will provide electronic versions of documents in Word or WordPerfect so that opposing counsel can make suggested edits directly in the documents.

There are also professionalism considerations when meeting with a new client. Often, a new transactional client comes to the office very excited about the deal he or she is envisioning. While the temptation is to dive into a full-blown assessment of all the legal issues and procedures for getting the deal done, it is best to listen to the client thoroughly; this is his or her time to tout the prospective deal and its benefits. It is critical to

be a good listener, absorbing all of the useful information (distilling the relevant information from the often grandiose statements) and waiting until the client wants to hear what the proper procedure is for getting the deal across the finish line. At this juncture, the proper protocol is to identify the significant issues, formulate a game plan for achieving the client's goals, while at the same time advising the client of the risks. The last part is the trickiest, as clients often do not want to hear the negative side of things and may attempt to defend the deal. Thus, it is important for the client to understand that you are on the same side and have a common interest in getting the deal done as efficiently as possible. When clients understand this, they are more open to hearing about the obstacles that need to be overcome.

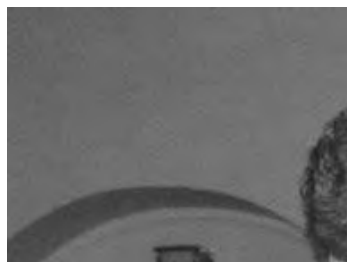
The Corner Office is a recurring feature and is intended to promote the discussion of professionalism. While The Corner Office cannot promise to answer every question submitted, its intent is to respond to questions that raise interesting professionalism concerns and issues. Please send your questions to mba@mbabar.org and indicate that you would like The Corner Office to answer your question. Questions may be submitted anonymously.

Community Law Week 2007

Reaching Out to the Community and Local Youth

By Jennifer Durham, Bodyfelt, Mount et al and Community Law Week Chair.

The members of the YLS Service to the Public Committee once again recruited members of the Multnomah County legal community to host a week of legal-focused events for the general public. The theme for this year's Community Law Week (CLW) was *Liberty under Law: Empowering Youth, Assuring Democracy*. Over 60 law firms and legal professionals donated their time and resources to CLW, an annual event that provides legal education, access and assistance to the public. As before, this year's CLW volunteers coordinated a clothing drive for the *Dress for Success* charity at local law firms, organized a "Tell it to the Judge!" event at Lloyd Center Mall and hosted Free Legal Information Centers throughout Multnomah County during CLW.



YOUTH FILM Project Organizers: Katie Lane, Jennifer Durham & Lainie Dillon

The YLS Service to the Public Committee also kicked off the "inaugural" year of **The YOUTH FILM Project**, a student film-making contest, allowing local youth to express themselves creatively, while learning more about our government and justice system. Committee members **Lainie Dillon, Jennifer Durham, Laurie Hagar, Amber Hollister, Katie Lane, Justin Leonard** and **Kristin Sterling** were instrumental in creating and organizing this successful project, which they hope will become a fixture in CLW for years to come.



Chief Justice Paul J. De Muniz greets the audience at the YOUTH FILM Project Screening and Awards Ceremony

Over 40 students from the local area entered the contest by producing short films on "Youth in Democracy" topics. Oregon Supreme Court Chief Justice **Paul J. De Muniz** presented awards to the teams of elementary, middle, and high school student filmmakers at the first annual YOUTH FILM Project screening and awards ceremony. A screening of the nine winning short films, on topics ranging from the value of



Justice De Muniz and award winner Bailey Garfield (Jane Goodall Environmental Middle School), Katie Lane - event organizer

free speech to the need for greater youth participation in democracy, took place at the Hollywood Theatre in Northeast Portland. Teams from Clackamas High School, Riverdale High School, Jane Goodall Environmental Middle School and Home School Connections took home "Best in Show" prizes of iPod Shuffles.



YOUTH FILM Project Volunteer, Cashaua Hill, with organizers, Amber Hollister and Justin Leonard

Chief Justice De Muniz spoke to attendees, filmmakers and their families about the importance of civics education in strengthening our democracy. His comments about the need for an independent judiciary in America drew spontaneous applause from the crowd. The young filmmakers were excited to meet Justice De Muniz and honored to have him present their awards. To view winning films, please visit www.theyouthfilmproject.org.



Justice De Muniz presents to award winners Lucas and Lynne Stracovsky (Arbor School)

Thank you to YLS Services to the Public Committee Members.

Jeff Hern of Schwabe Williamson & Wyatt served as this year's CLW's fundraising chair.

Jenee Gifford of Miller Nash, **Josh Ross** of Stoll Stoll et al, **Olivia Zirker** of KPMG complimented Jeff's fundraising efforts by coordinating publicity for CLW. They worked with our printers and designers, Bridge City Legal and LazerQuick, to put together brochures and posters that were distributed throughout Multnomah County. They also composed and sent press releases and advertisements.

Angela Engstrom organized the Legal Information Centers, involving 16 attorneys at 10 locations throughout Multnomah County. The centers provided citizens with valuable legal information, including handouts from the OSB and Legal Aid Services of Oregon.



Scott Kocher and Angela Engstrom at a Legal Information Booth

John McVea recruited judges from Multnomah County Circuit Court to meet with the public and answer questions for "Tell it to the Judge!" at the Lloyd Center Mall. The public had a chance to interact with the judges and learn about the judicial system. There was also a calligrapher on hand to create and present certificates for individuals who had served as jurors.



Judges Thomas Ryan and Maureen McKnight at the Tell it to the Judge event

Trung Tu of McEwen Gisvold, **Kristin Udvari** of Ball Janik, and **Olivia Zirker** successfully organized a clothing drive for *Dress for Success of Oregon*, the local chapter of the international nonprofit organization that helps women get back on their feet and prepare for the workforce. This year we had 18 "Law Firm Captains" who encouraged their colleagues to donate work-appropriate women's clothing and accessories for local jobseekers and collected over 800 items of clothing and nearly \$1,000 in cash donations.

CLW is truly an amazing collaborative event of Multnomah County legal community. If you were unable to participate this year, please consider joining in on the fun next year. For more information, contact Jennifer Durham, durham@bmsc-law.com.

Thank you sponsors!

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Community Service Day

Please join the YLS Service to the Public Committee and Friends of Trees on Saturday, June 16. Have fun, help the earth and make new friends at the same time. Projects involve sheering weeds and mulching newly planted native trees, shrubs and herbaceous material. No experience is required, and tools and training are provided. Sturdy shoes, long pants and long sleeves are recommended.

Friends of Trees Natural Area Care Event

Saturday, June 16

9 a.m. - Noon

S Portland Riverbank, shelter at south end of Willamette Park, on SW Macadam in John's Landing.

Registration: If you would like to participate in this event, please register with Jennifer Amiot at jennifer.amiot@lasoregon.org. Please note that space is limited to 30 volunteers.

April Social a Success

By Nicholas E. Wheeler, Cosgrave Vergeer Kester and YLS Membership Committee.

On Thursday, April 19, the YLS Membership Committee hosted its annual Meet the Judges Drop-in Social at Jax. The event was well attended and provided young lawyers with an opportunity to meet judges from all levels of state and federal court, in an informal setting.

This year's social again included a raffle drawing for the benefit of Multnomah CourtCare, a nonprofit childcare service that provides children with a safe and comfortable place in the courthouse. YLS would like to acknowledge the support of the local businesses that donated prizes for the raffle, which generated \$2,000 for CourtCare. A special thanks to all of our donors: Adapt Training, Alhadeff Bivens, Barran Liebman, The Benson Hotel, Cards by Michelle, CH Physical Therapy & Personal Training, Cougar Crest Winery, El Gaucho, Elum Designs, Jamee Linton, Matt Larson, Perkins Coie, Rasmussen BMW, Salon La Muse, and Stanford's Restaurant.

Thank you to all who participated. We look forward to seeing you again next year!

Joint Social with Clark County Young Lawyers

The MBA YLS is holding a joint Drop-in Social with young lawyers from the Clark County Bar Association. Young lawyers from both sides of the river are invited to an evening of summer socializing. Join us on the rooftop of JAX restaurant (826 SW 2nd Ave.) on Thursday, July 12 from 5:30 to 7 p.m. This is a casual get-together and a fantastic opportunity to find out about the local bar associations, especially for lawyers admitted in both Oregon and Washington. We look forward to having you join us!

We hope to see you there!

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Continued on page 11

YLS - CLW

Continued from page 10

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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.mbar.org/docs/ProBonoGuide.pdf.

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Ethics Focus

Continued from page 4

RPC 1.6's lawyer-confidentiality rule running toward one client, the lawyer must normally obtain the affected client's consent before sharing that information with co-clients in different cases and further recommends that the lawyer explain at the outset of a joint representation in a single case the impact of that structure on confidentiality between clients. Due to the significant potential for conflicts in situations of this kind, RPC 1.8(g) specifically requires that the clients consenting to an aggregate settlement countersign their disclosure and consent letters. Under Oregon RPC 1.0(g), "informed consent" is a defined term and that provision should be consulted, too, for requirements that cut across disclosure and consent letters generally.

Summing Up

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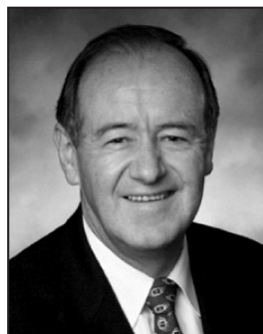
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Multnomah Bar Foundation Selects 2007 Grant Recipients



MULTNOMAH BAR FOUNDATION

The Multnomah Bar Foundation (MBF) recently made three grants from the MBA 100th Anniversary Community Gift Fund, totaling \$11,000. The recipients are the Constitutional Law Section of the OSB, the Classroom Law Project and the MBA Young Lawyers Section.

The MBF increased its outreach efforts this year and received

several worthy grant proposals. The three organizations that were chosen were selected because their projects fit with the fund's mission to advance civics education and participation in the community.

The Constitutional Law section of the OSB will receive \$5,000 to create a documentary series called "The Evolution of the Oregon Constitution: An Exercise in Democracy." The MBF is pleased to be a community partner in this project along with Oregon 150,

OPB, Oregon Historical Society and the Classroom Law Project.

The MBA Young Lawyers Section will receive \$1,000 to fund their Community Law Week projects. These include the Tell it to the Judge! at the Lloyd Center mall, a clothing drive for Dress for Success, legal information booths and the YOUth FILM Project film contest.

The MBF was very impressed with the expansion work the Classroom Law Project accomplished with the initial

MBA 100th Anniversary Community Gift Fund grant and decided to grant them \$5,000 this year to continue to expand the program. This will likely fund the program in an additional middle school.

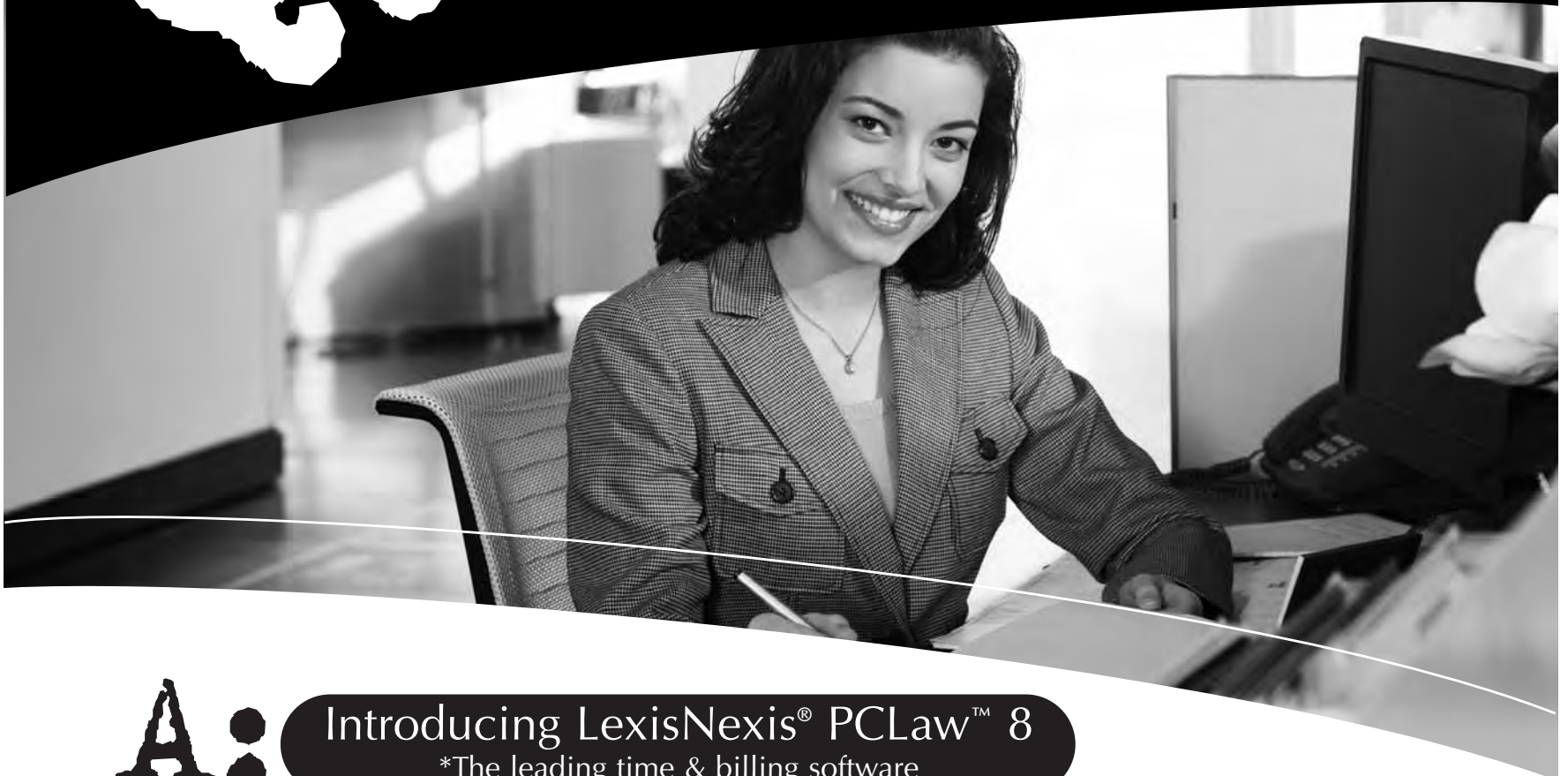
The MBF Grants Committee is exploring the idea of a second grant cycle this year. If you know of an organization that might qualify, please contact Noëlle Saint-Cyr at noelle@mbabar.org.



Chief Justice DeMuniz and YOUth FILM Project award winner Grant Miller, photo by Kristin Sterling



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