



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION
1906

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

January 2007 Volume 52, Number 1



Make Your Community a Better Place

By Peter H. Glade, MBA President.

I finished the trial of a relatively simple business case a few weeks ago. Each side called only two witnesses, and between us we offered fewer than 50 exhibits. We chose a six person jury, put on the evidence and argued the case in two days. The judge instructed the jury and they deliberated about two and a half hours before

rendering their verdict. The lawyers were experienced, and did not squander court time.

The parties had no discovery disputes that required court intervention, depositions of the four witnesses took less than two days and the total number of documents exchanged would fit in any of our trial bags. The defense filed a fairly short summary judgment motion that successfully narrowed the issues for trial. As I look back on the billings, I see no wasted effort. I think both sides did a good job, if I do say so myself.

I provide all these details to give context to the total expense to the parties, which in combination exceeded \$100,000. Competent legal services cost a lot of money, even when the lawyers try to keep costs down. So, I look at this particular case, and I think, "Wow, I'm not sure I could afford my own services if I needed them."

Now consider those who do not have the good fortune most of us have experienced, and consider the frustration and despair that must come from needing the services of a lawyer without having the resources to hire one. A growing number of our fellow citizens confront these circumstances every year, because both the cost of legal services and the segment of our populations that is economically disadvantaged continue to rise.

Last month I filled this column by urging our membership to actively support the building of new court facilities in Multnomah County. In past columns, I have urged our membership to take action in the political arena to protect judicial independence and to ensure that our justice system is adequately funded. New courthouses, fairly paid judges and staff and adequate financial support for the legal system mean nothing to those deprived of access to that system. Too many of the people of this state fall into that category.

As lawyers, we are responsible for protecting and enhancing access to justice. Each of us can easily fulfill that responsibility by undertaking pro bono representation for those who cannot afford to pay. This issue of the *Multnomah Lawyer* is packed with information about a variety of pro bono opportunities available to lawyers in this state. I doubt any of our readers will have trouble finding a match for their practice area and experience level.

Oregon lawyers have generously supported Legal Aid Services of Oregon through the Lawyer's Campaign for Equal Justice. Legal Aid

lawyers and administrators have leveraged that financial support and other resources carefully and tirelessly to provide services to more than 20,000 low-income services. In addition, St. Andrew Legal Clinic serves the family law needs of many low-income individuals and families in this state. Nevertheless, studies have shown that less than 20% of the legal needs of those with modest means have been serviced each year. So, despite our ability to congratulate ourselves on our generous giving, we need to do more.

You do not need to give up your practice to make a difference. If each of the MBA's 4,000 members committed even a tiny fraction of our available time to pro bono services, the impact would be enormous. Look at what has been accomplished in other parts of the world. The effect of providing access to economic opportunities by making "micro loans" to the poor was recently recognized when the Nobel Peace Prize was awarded to Muhammad Yunus and the Grameed Bank he founded in Bangladesh. Loans of small amounts to people who otherwise would not have a chance to improve their economic lot has empowered thousands of the world's poorest people to lift themselves out of poverty.

We have the ability to accomplish a similar result. By providing Oregon's under-privileged with access to our legal system, we allow them the chance to defend their rights, protect their families and obtain benefits to which they are entitled. We all benefit from making sure that equal access to justice is available to all. The community's health and our quality of life improve when we ensure that everyone can make use of the legal system, regardless of their economic resources.

As you will see from reading our annual pro bono issue, the need is real and the opportunities to meet that need abound. Sign up today, and be part of making this community a better place to live.

MBA Board Elections

The MBA bylaws provide for a slate of candidates to be presented to the membership at least 60 days prior to the annual meeting. This slate will appear in an upcoming issue of the *Multnomah Lawyer*. The bylaws also provide for nominations from the membership at large. A nominating petition, endorsed by the nominee and at least 10 other MBA members, must be received by 5 p.m. on Friday, February 23, in the MBA office. Ballots will be included with the April newsletter; they will be due in the MBA office by 5 p.m. on Friday, April 27. Winners will be officially "announced" at the MBA Annual meeting in May.

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MBA CLE

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

January

Thursday, January 18
Young Litigators Forum CLE Series begins

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

February

Thursday, February 1
Forensic Accounting
Rick Martson
Jay Sickler

Tuesday, February 6
Enforcing Family Law Judgments
Mark Kramer

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This issue of the *Multnomah Lawyer* is full of ideas on how you can serve others through pro bono work. There is an attorney information form for you to complete. This year's Pro Bono Honor Roll is listed on an insert.

WinterSmash
February 3
Details on p. 6

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

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

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NEW ON THE SHELF

By Jacque Jurkins, Multnomah Law Librarian.

2006 DISTRICT OF OREGON LOCAL RULES OF CIVIL PRACTICE, ANNOTATED.

Summaries of cases citing the Local Rules of Civil Practice for the United States District Court for the District of Oregon by Kathryn Mary Pratt. Published by Bookstand Publishing, 2006. (*KF 8840 F36 P6)

THE RIGHTS OF CHILDREN AND ADOLESCENTS by Leslie J. Harris. Published by the Oregon State Bar. Continuing Legal Education, 2006. (*KF 479 O7 H37)

HOW TO BUILD AND MANAGE A FAMILY LAW PRACTICE by Mark A. Chinn. Published by the ABA, Section of Family Law and Law Practice Management Section, 2006. (KF 300 C45)

HOW TO BUILD AND MANAGE A PERSONAL INJURY PRACTICE, 2d ed. by K. William Gibson. Published by the ABA, Law Practice Management Section, 2006. (KF 1257 G53 2006)

A DAY WITH THE SUPREMES:

Crossroads, the Oregon Supreme Court and appellate practice in the 21st century. Course materials from the October 13, 2006 Oregon Law Institute program in Portland. (*KF 9057 O7 O73)

SWORD AND SHIELD: A practical approach to Section 1983 litigation, 3d ed. edited by Mary Massaron Ross and Edwin P. Voss. Published by the ABA, Section of State and Local Government Law, 2006. (KF 1325 S42s 2006)

UNDERSTANDING THE AMERICANS WITH DISABILITIES ACT, 2d ed. by William D. Goren. Published by the ABA, General Practice, Solo and Small Firm Section, 2006. (KF 480 G67 2006)

SECURITIES REGULATION, 4th ed. by Louis Loss, Joel Seligman and Troy Paredes. Published by Wolters Kluwer/Aspen Law & Business, 2006. (KF 1439 L68 2006)

SECURITIES REGULATIONS IN A NUTSHELL, 9th ed. by Thomas Lee Hazen and David L. Ratner. Published by Thompson/West, 2006. (KF 1439 R38 2006)

REORGANIZING FAILING BUSINESSES: A comprehensive review and analysis of financial restructuring and business reorganization, rev. ed. by Weil, Gosthal & Manges. Published by the ABA, Section of Business Law, 2006. (KF 1544 R46 2006)

LEGAL OPINIONS IN BUSINESS TRANSACTIONS, 2d ed. by Arthur Norman Field and Jeffrey M. Smith. Published by the Practising Law Institute, 2006. (KF 889.3 F54 2006)

CURRENT CONDEMNATION LAW: Takings, compensation, and benefits, 2d ed. edited by Alan T. Ackerman, Darius W. Dynkowski. Published by the ABA, Section of Real Property, Probate, and Trust Law, 2006. (KF 5599 C87 2006)

THE LAWYER'S GUIDE TO RECORDS MANAGEMENT AND RETENTION by George C. Cunningham and John C. Montana. Published by the ABA, Law Practice Management Section, 2006. (KF 320 R42 C86)

CALENDAR

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

January

- 1**
Monday, New Year Holiday
MBA closed
- 2**
Tuesday, MBA Board meeting
- 9**
Tuesday, YLS Board meeting
- 10**
Wednesday, February
Multnomah Lawyer deadline
- 11**
Thursday, YLS Drop-in Social at Kell's
- 15**
Monday, Martin Luther King Jr. Holiday – MBA closed
- 18**
Thursday, YLS Young Litigators Forum series begins
See insert or register at www.mbabar.org
- Thursday, MBA Open House, 4-6 p.m.**
- 24**
Wednesday, MBA CLE Litigating Elder Abuse
See insert or register at www.mbabar.org.

- 25**
Thursday, YLS Peer-to-Peer Orientation
Details on p. 10.

February

- 1**
Thursday, MBA CLE Forensic Accounting
See insert or register at www.mbabar.org.

- 2**
Friday, Oregon Hispanic Bar Association Awards Dinner at Embassy Suites
See details on p. 4.
- 3**
Saturday, MBA WinterSmash
See details on p. 6.
- 6**
Tuesday, MBA Board meeting
- Tuesday, MBA CLE – Enforcing Family Law Judgments**
See insert or register at www.mbabar.org.
- 9**
Friday, March Multnomah Lawyer deadline
- 13**
Tuesday, YLS Board meeting
- 19**
Monday, President's Day
MBA closed
- 23**
Friday, MBA Election ballots due by 5 p.m.
- 28**
Wednesday, Multnomah Bar Foundation Board meeting

March

- 3**
Saturday, ACLU E.B. McNaughton Dinner at the Governor Hotel
- 6**
Tuesday, MBA Board meeting
- 7**
Wednesday, Free CLE
See details on p. 4.
- 9**
Friday, April Multnomah Lawyer deadline

Friday, OWLS Awards Dinner at the Governor Hotel

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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

The Law of Lawyering: A Resource Guide

As the practice of law has grown more complex, the law governing *how* we practice has grown in tandem. The ABA adopted its first set of ethics rules, the canons of Professional Ethics, in 1908. At that time, there were only 32 Canons numbering just a few pages. Since then, both the ABA and Oregon have adopted professional codes that are considerably longer. Case law interpreting the rules has grown apace and reference works have been developed both nationally and here in the Northwest interpreting the interpretations. Lawyers have always been charged with knowing and following the professional rules. In today's practice environment, however, knowing the rules isn't just a matter of professional ethics. The ethics rules now form the subtext for many areas of professional liability ranging from legal malpractice to disqualification. And, the flip side of increased cross-border practice is the need to know the rules in more than one jurisdiction. In this column, we'll look at the principal resources on the law of lawyering both nationally and here in the Northwest. We'll focus especially on those available over the web.

Nationally

The ABA's influential Model Rules of Professional Conduct have been adopted (with variations) in almost all states (California and New York are the notable exceptions). The ABA's Model Rules, the accompanying commentary and its ethics opinions interpreting the Model Rules are all available on the ABA Center for Professional Responsibility's Web site at www.abanet.org/cpr. In 2000, the American Law Institute issued the Restatement (Third) of the Law Governing Lawyers, which is a comprehensive summary of ethics law in restatement form that is being cited increasingly in both court and bar opinions. Although there are several outstanding national ethics and risk management treatises available in paper form from local law libraries, one of the most accessible sources of ethics law nationally is Cornell University School of Law's American Legal Ethics Library available on the web at www.law.cornell.edu/ethics.

Oregon

The OSB's Web site at www.osbar.org is a comprehensive source for primary ethics and licensing



materials here. The Oregon RPCs, the former Oregon Disciplinary Rules, Rules of Bar Procedure, State Bar Act, licensing forms, ethics opinions and Disciplinary Reporter are all available there. For OSB members, the Casemaker database offers a direct link to state and federal cases interpreting both the new RPCs and the former Oregon Disciplinary Rules. The Oregon Professional Liability Fund (PLF) has a variety of risk management articles and forms (along with copies of the basic and excess PLF plans) available on its Web site at www.osbplf.org. The OSB's *Ethical Oregon Lawyer* was updated in 2006 to reflect both the new Oregon RPCs and the accompanying ethics opinions. It remains the single best summary for legal ethics and lawyer civil liability in Oregon.

Washington

Washington revised its RPCs in September 2006. The new Washington RPCs, the accompanying official commentary and ethics opinions interpreting the rules are all available on the Washington State Bar's web site at www.wsba.org. Rules, information and forms for licensing (including pro hac vice and reciprocal admission) in Washington are also available on the WSBA's web site. For OSB members, the Casemaker database now includes Washington case law. The WSBA's *Legal Ethics Deskbook* is similar in scope and content to the OSB's *Ethical Oregon Lawyer* and is being updated to reflect the newly amended Washington RPCs.

Idaho

Like Oregon and Washington, the Idaho State Bar's (ISB) Web site at www.state.id.us/isb offers a comprehensive counterpart collection of the Idaho RPCs, the accompanying commentary and licensing information and forms (including pro hac vice and reciprocal admission). Idaho's ethics opinions are not available on the web, but can be obtained by contacting the Idaho Bar Counsel's Office. Again for OSB members, the Casemaker database also includes Idaho case law. Although the ISB does not publish a direct equivalent to the OSB's *Ethical Oregon Lawyer* or the WSBA's *Legal Ethics Deskbook*, its Professionalism & Ethics Section sponsors an issue of the ISB Advocate annually with articles on ethics-related topics focused on the Idaho RPCs and case law.

ANNOUNCEMENTS

2007 MBA Professionalism Award Nominations Sought

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

Any MBA practicing attorney member, except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award. Former nominees may be re-nominated. See insert for more information.

MBA Noontime Bicycle Rides

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

Oregon Hispanic Bar Association Slates Dinner

Set for February 2, from 6-8 p.m. at the Embassy Suites Hotel in downtown Portland,

the dinner will honor Chief Justice Paul De Muniz with a Professionalism Award. The keynote speaker is the Hispanic National Bar Association president, Jimmy Reyna. Posthumous recognition is also to be given to Michael Muniz, an immigration attorney. The dinner will feature musical entertainment by Mario Diaz, playing Spanish guitar. Tickets are \$100 each. Additional information is available at hispanicbardinner07@mac.com.

Queens Bench

January 9, Pamela Knowles of the Portland Business Alliance will speak at the first 2007 luncheon. Knowles will be speaking on "Businesses & Women Lawyers." Queen's Bench lunches are held on the second Tuesday of the month from 11:45 a.m. to 1 p.m. at Jax Restaurant. The cost is \$12 by cash or check. For more information, please contact Nicole DeFever at 503.735.5323 nicole@defever.com or Sarah Krick at 503.239.7273 kricklaw@msn.com.

Paralegal Honored

The International Paralegal Management Association (IPMA) recently honored Elise Brickner-Schulz of Miller Nash with its prestigious President's Award. The award is presented to outstanding professionals in the paralegal industry. Brickner-Schulz, director of legal support services at the firm, has been an energetic and active IPMA member for six years.

Multnomah County Family Law Group

Please join the Multnomah County Family Law Group on Monday, January 22. Judge Waller, the new presiding family law judge, will discuss communication between the bench and the bar and take questions from the group. Sign up forms will be distributed via email. Please contact David Bean at dib@meyerwyse.com if you would like to be added to the list.

Our neighbors to the south and far north both have a wide variety of ethics and licensing materials on their state bar Web sites at, for California, www.calbar.ca.gov/state/calbar, and for Alaska, www.alaskabar.org. The US District Court's Web site here in Oregon at www.ord.uscourts.gov has both its local rules setting out admission and professional standards and links to all of the other federal courts in the Ninth Circuit.

Finally, if you need to find this column again, it will be available in the *Multnomah Lawyer's* archives at www.mbabar.org and in the legal ethics resources section of my firm's Web site at www.frllp.com.

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

Free CLE to Learn How to Represent Low-Income Clients in Bankruptcy Court

When: March 7, from 2:30-4:30 p.m.

Where: Standard Insurance Building, Lower Level Auditorium, Portland

What: A two-hour CLE to train attorneys how to represent clients through the Bankruptcy Clinic sponsored by the OSB Debtor-Creditor Section and Legal Aid Services of Oregon. Speakers will review the impact of the Bankruptcy Abuse and Prevention and Consumer protection Act of 2005 on clients served through the clinic.

To Register: Please contact Lynne Lloyd at lynnelloyd@lasoregon.org or 503.224.4086.

Have You Renewed Your MBA Membership?

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

- Excellent, affordable and convenient CLE seminars;
- Social events and committees that provide rewarding ways to network with other attorneys;
- Resources such as the *Multnomah Lawyer* newsletter and 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, Bank of America MasterCard, Canon Business Solutions, ABA publications, Oregon Ballet Theatre and the Portland Opera; and

- MBA member group health, life, disability and long-term care insurance plans at competitive rates.

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

The Unmet Need for Legal Services

By Lynne Lloyd, Legal Aid Services of Oregon.

Imagine getting that call we all dread - while vacationing, your father had a stroke and is in the hospital. You must drop everything to fly out to your father and make some decisions about his care. Imagine further that your income is less than \$800 per month, you live across the country and you already have a hard time juggling work and school. You can stop imagining, as this is a true story. "Carrie" lived this scenario. When she got to her father, hospital staff helped her to become her father's temporary guardian and to have him transferred to a long-term care facility.

The situation worsened when her father's former girlfriend drove off with his only possession, an RV filled with everything he owned. Carrie received calls from concerned workers at the care facility that the girlfriend was threatening to take the father to Mexico. In order to prosecute the girlfriend for theft, the police said they needed to see guardianship papers.

Carrie called the hospital that had drafted the temporary guardianship, asking if

they would draft permanent documents; they could not. Carrie found the Multnomah County Office of Legal Aid Services of Oregon (LASO) and asked for help. LASO has limited resources and does not have a staff attorney available to help with guardianship issues. LASO pro bono staff contacted volunteer panels and posted the case on electronic listservs for a month. No one volunteered to help.

"Tami" called LASO seeking help with a divorce and custody dispute. Her husband had a violent temper, abused alcohol and had once choked her until she passed out. The parties had three children and the father had limited contact with the children throughout their lives. The husband never paid child support as ordered by the court. He never asked for visitation until his new girlfriend called Tami to request it. About a year ago, the husband and children were in a serious car accident. Their eight-year-old son's spine was severed and he is now confined to a wheelchair.

Last August, Tami brought the children to see their father for an extended visit, but he refused to give the children back. The oldest

daughter escaped and returned to her mother on the bus, but the paralyzed child could not leave. Furthermore, the father failed to transport the eight-year-old to his medical appointments.

Tami filed for divorce and used the judge's order to get her 8-year old back. Tami called LASO for representation on her case. Unfortunately, LASO had numerous other family law cases come in at the same time and some of them involved more immediate safety issues. LASO was unable to take Tami's case and does not have a pro bono panel of attorneys willing to take contested custody cases. When Tami could not get help through LASO, she turned to the private bar and St. Andrew Legal Clinic. Even the least expensive of those sources requires \$500 up front, which Tami did not have.

Unfortunately, Carrie and Tami's stories are all too familiar to LASO staff who need to make difficult decisions each day about who receives service from their office. Studies confirm that our legal community is meeting less than 20% of the legitimate legal needs of low-income people in Oregon. Legal aid offices do what they can, but need the support of the legal



Staff members of the Legal Aid Services of Oregon

community. The Campaign for Equal Justice (CEJ) works with legal aid offices to take a strategic approach to ensure that the fundamental American principle of equal access to justice becomes a reality for all Oregonians. The CEJ works with lawyers, bar groups, judges and elected individuals to increase resources available to assist underrepresented individuals so that they can use the justice system effectively.

It is important to remember that legal aid programs require

resources to run effective pro bono programs. Pro bono staff need to screen cases, match clients with volunteer attorneys and provide training and mentoring to pro bono volunteers. This all takes time and money. We encourage attorneys to give what they can - through financial contributions and pro bono involvement, so that people like Tami and Carrie can get the legal representation they need.



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Left to Right: Gwyn Hilden, Teri Van Syckle, Elise Bouneff, Martha Sheets, Karen Fornshell, Stewart Williams, Anne Marie Flora, Angela Devita-Hohman, Jason Scott

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Multnomah CourtCare MBA WinterSmash 2007 Benefits

By Past and Present MBA Fun Committee Members

The Fifth Annual WinterSmash is slated for Saturday, February 3 from 6-9 p.m. at AMF 20th Century Lanes (3550 SE 92nd Ave in Portland).

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

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

A converted Multnomah County Courthouse jury room serves as a fully-staffed and certified drop-in childcare center for children and infants. CourtCare offers games, toys, art supplies and books for up to 100 children a month in a safe and nurturing place to play while parents or guardians tend to court business. Since 2001 when it opened its doors, over

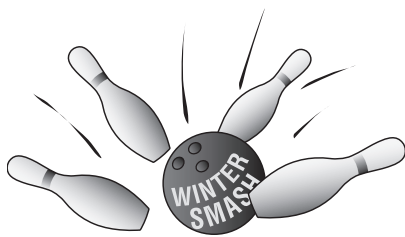
5,600 children aged six weeks to five years have visited the center.

Before the service went into operation, children had to accompany their parents into court, where they often witnessed disturbing and emotional scenes.

Nearly 95% of the adults using CourtCare are women; approximately 40% are domestic violence survivors. CourtCare staff regularly refers parents to other services, including childcare, domestic violence shelters and providers of food and clothing.

The center seeks to improve the operation of the courthouse by protecting children from potentially disagreeable court settings, by helping ease parents' access to the legal system and, perhaps most importantly, by ensuring that court settings allow for a fair legal process without undue distractions.

The generosity of spirit, hard work and long history of public service of the Portland Metropolitan area legal community has contributed greatly to the program's efforts. CourtCare is largely supported by individual lawyers and over 40 area law firms who believe in its mission. The support of the legal



community remains key to the survival of this program.

So, come enjoy the company of your colleagues, some good food, play a game you know you love and support a good cause. Tickets are \$35 for adults and \$10 for kids 3-12 years old. Price includes food, drink, shoes, balls, lane time and the satisfaction of knowing you're supporting CourtCare. Prizes will be awarded for the highest individual score, the lowest individual score, the group with the most participants in attendance and the group with the best bowling shirt. In addition, a trophy will be presented to the group with the highest team score (computer based on top three scores, with only one score from each player counting). There will also be raffle tickets for sale at the event, priced at one for \$10 or three for \$25. The event promises to be a good time, don't miss this opportunity! Register via the insert in this issue of the *Multnomah Lawyer*.

Thank you to the WinterSmash sponsors

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Pro Bono Immigration Attorneys Can Save Lives

By Bradley Maier, Schwabe, Williamson & Wyatt.



Taking on a pro bono immigration case can be a daunting but rewarding challenge. On the one hand, the law is complex, arcane and constantly changing. Also, the risk of failure is high. For those seeking asylum, a lost case could easily mean deportation back to their country of persecution and possibly death. On the other hand, you are unlikely to ever be involved in a case that is more personally satisfying and important to your client. According to Teresa Statler, a Portland immigration attorney who has represented immigrants and asylum-seekers on a pro bono basis for over 14 years, "These folks desperately need representation. Winning your client's case could literally save his or her life."



Teresa Statler

Teresa volunteers with Immigration Counseling Service and believes that there are three common pitfalls for unwitting pro bono attorneys. First, "Do not feel compelled to take the first case that walks in your door. Spend time asking questions to make sure the case is one you can win and the client is someone you want to represent." Asylum cases, in particular, can be won or lost based upon the applicant's credibility and demeanor. Local nonprofits sponsoring pro bono immigration law projects can help you with triage, pre-screening clients for eligibility, making recommendations for legal strategy and are a helpful resource to their volunteers.

Second, Teresa advises, "With so much at stake, be sure you understand the scope of

what you are committing to. Immigration cases can sometimes take more than a year to resolve. Also, it is critically important that you spend the time necessary to analyze and address all of the potential issues and available relief rather than just the obvious ones." If you are unsure, seek out a mentor or the assistance of the nonprofit that referred the case.

Finally, Teresa urges attorneys, "Do not be deceived by how simple the immigration forms appear. Also, resist the temptation to over-rely on boilerplate briefs." Most applications for relief must be accompanied by a detailed affidavit from the applicant. Affidavits can take a considerable amount of time to prepare, especially if you require an interpreter. Also, keep in mind that the applicant may be suffering from PTSD. Victims of rape, torture or abuse are naturally reluctant to bring up their experience at the initial consultation and may have a faulty or selective memory of key events. It can take time and gentle coaxing to get information that is critical to the case. Once the draft affidavit is ready, ensure that the applicant is intimately familiar with its details, confirms its veracity and is well prepared to defend it.

With the support and expertise of dedicated professionals like Teresa, it has never been easier to take on a pro bono immigration case. There are plenty of opportunities available to represent asylum-seekers, victims of human trafficking, unaccompanied minors in removal proceedings, and applicants for benefits whose cases have been unjustly and unreasonably delayed by immigration. If you are interested, please contact Immigration Counseling Service at 503.221.1689 or Catholic Charities Immigration Program at 503.542.2855. For information about the local immigration bar, please visit www.aialaoregon.com.

The Function of a Trial Lawyer

(Excerpt from the Introduction to "The First 70 Years are the Hardest - a brief history of the law firm of Cosgrave Vergeer Kester LLP")

By Randall B. Kester, Cosgrave Vergeer Kester and 1956-57 MBA President.

A legal system, as we know it, has three principal functions in society:

- 1) It establishes the structure of government and the mechanics by which the government functions;
- 2) It prevents disputes from arising by establishing standards of conduct to which most people voluntarily conform; and
- 3) When disputes do arise, it provides a method for settling those disputes, both those between people and those between people and the government itself.

In the settlement of disputes, the overall objective is justice;

and sometimes a complaint is voiced that the law is not just, or that the result of a particular case is not just. But this fails to recognize that law and justice are not necessarily the same thing - justice is the goal, and the law is merely a means to that end. The law, as we know it, is a human mechanism, and people are fallible; so sometimes law may not achieve the goal of justice. This is not a reason to abandon the law, but rather seek ways to improve it.

In our tradition of separation of powers, the three branches of government - the legislative, executive and judicial - are co-equal, at least in theory; and together they make a system



of "checks and balances." In practice, of course, the judicial branch depends on the legislative to define its jurisdiction and fund its operation, and it needs the executive to enforce its judgments. So while the branches are independent, they are also interdependent.

And while the legislative and executive branches are frankly (and sometimes blatantly) partisan, the judicial branch is expected to rise above the varying whims of the electorate and to apply a "rule of law rather than of men." An independent judiciary serves to keep the legislative and executive branches from exceeding their constitutional authorities, and thus it helps to safeguard minority rights from the "tyranny of the majority." In

carrying out that function, the legal profession plays a vital part.

As our legal system has evolved, its method of settling disputes has become adversarial - it relies on the premise that the truth is most likely to be found, and justice is most likely to be done, if each side presents its case as strongly as possible, within the bounds of fairness. Thus arises the function of the trial lawyer; and there

Continued on page 11

AROUND THE BAR

CATHY STEELE TAPPEL

Tappel, (formerly Catherine A. Tappel) announces the opening of her private practice, where she will continue to limit her practice to family law, with an emphasis on high conflict custody cases and parenting issues. She is sharing space with the family law firm of Yates Matthews at One SW Columbia St Ste 1800, Portland OR 97258, 503.222.2312, Fax 503.224.8080, email csteletappel@comcast.net.



Elisa J. Dozono



John M. Quirk



William L. Rasmussen



Mike Ryan

MILLER NASH

Elisa J. Dozono joins the firm as an associate in the litigation department, focusing her practice on business litigation and government relations.



Erik Van Hagen

John M. Quirk joins the firm in the tax group, focusing on taxation, healthcare and general corporate and business matters, with an emphasis on tax-exempt organizations and charitable giving.

William L. Rasmussen joins the firm as an associate, focusing on land use and real estate.

Mike Ryan joins Miller Nash's business group, specializing in corporate governance, mergers and acquisitions, and various corporate finance and capital market transactions.

Erik Van Hagen joins the firm as an associate in the litigation department.

The following Miller Nash partners have been named Oregon Super Lawyers: **Donald A. Burns**, employee benefits; **Bruce L. Campbell**, business litigation; **D. Gary Christensen**, construction litigation; **David C. Culpepper**, tax; **Dean D. DeChaine**, transportation/maritime; **Jonathon L. Goodling**, real estate; **M. Christie Helmer**, business litigation, selected in Top 25 Women "Super Lawyers 2006;" **Louis G. Henry**, bankruptcy & creditor/debtor rights; **David W. Hercher**, bankruptcy & creditor/debtor rights; **William S. Manne**, tax; **John Casey Mills**, bankruptcy & creditor/debtor rights; **David M. Munro**, estate planning & probate; **John F. Neupert**, business litigation; **John F. Purcell**, construction litigation; **Dennis P. Rawlinson**, business litigation, selected in Top 50 "Super Lawyers 2006;" **Peter C. Richter**, business litigation, selected in Top 10 "Super Lawyers 2006;" **Thomas C. Sand**, securities litigation, elected in Top 50 "Super Lawyers 2006;" and **Jeffery C. Thede**, nonprofit.

GARVEY SCHUBERT BARER

The following attorneys have been named Oregon Super Lawyers for 2006: **Larry J. Brant** in tax; **Christine P. Brown** in estate planning & probate; **Stephen J. Connolly** in business/corporate; **Keith S. Dubanevich** in business litigation; **Mark E. Friedman** in business litigation; **Eric A. Lindenaer** in health care; **Edward J. Sullivan** in land use/zoning; and **Robert C. Weaver Jr.** in criminal defense, white collar.



Keith S. Dubanevich



Cynthia M. Fraser



Michael R. O'Connor



Edward J. Sullivan

Dubanevich has also been named Treasurer and Chair-Elect of the OSB Business Litigation Section for 2007.

Cynthia M. Fraser, of counsel in the firm, has been elected Chair of the OSB Alternative Dispute Resolution Section. Fraser's practice focuses on condemnation, land use litigation and property tax appeals.

Michael R. O'Connor, a firm owner, has joined the U of O School of Law Alumni Association Board. O'Connor focuses his practice on business & commercial litigation, class action litigation and labor & employment law.

Edward J. Sullivan, a firm owner, has been named Chair of the ABA Section on State and Local Government Law for 2006-2007. He has also been appointed to both the International Committee and Awards Committee of the International Municipal Lawyers Association for 2007. Sullivan has more than 35 years of experience in matters involving planning, administrative and municipal law.

Samuel C. Kauffman and **Robert C. Weaver Jr.** were among the 13 Oregon attorneys honored by the Portland Chapter of the American Jewish Committee with the Judge Learned Hand Award, given annually for representation in the "finest tradition of the legal profession."

The firm has added **Steven D. Nofziger** as an associate. He practices in the areas of business, taxation and estate planning.

BARRAN LIEBMAN

Craig Leis has joined the firm as an associate, representing management in employment litigation and providing advice in employment law matters.

DUNN CARNEY

The following attorneys were named Oregon Super Lawyers. **Thomas H. Tongue** was the second top point getter overall and was included in The Top 10 list of Lawyers. The attorneys and their respective practice areas are: **Kenneth S. Antell**, real estate; **Jay R. Chock**, general litigation; **George J. "Jack" Cooper**, employment & labor; **Randall L. Duncan**, closely held business; **Jack D. Hoffman**, land use/zoning; **Scott A. Jonsson**, business litigation; **Eric A. Kekel**, construction litigation; **Gilbert A. Parker**, real estate; **Donald E. Templeton**, insurance coverage; **Thomas H. Tongue**, general litigation; **Daniel F. Vidas**, bankruptcy & creditor/debtor rights; and **Robert K. Winger**, closely held business.

EVANS VAN BUREN

Van Buren has been elected board chair of Planned Parenthood of the Columbia/Willamette.

LANE POWELL

The firm's Board of Directors and Shareholders have elected **Lewis Horowitz** as President. **Chuck Riley** will become the Vice President. Horowitz focuses his practice on tax planning and controversy. Riley focuses his practice exclusively in the trusts and estates area.

TONKON TORP

The firm has elected four attorneys to the partnership.

Sonja L. Henning's practice focuses on labor and employment law. Henning's litigation experience encompasses all areas of employment law including discrimination, harassment and retaliation.

Litigator **Steven D. Olson's** practice emphasizes labor and employment law. He has represented employers and individuals before federal and state courts, in arbitrations and mediations on matters ranging from gender discrimination and

sexual harassment to breach of noncompete agreements.

David J. Petersen practices in Tonkon Torp's real estate and land use practice group. He focuses on land use and local government law as well as representing clients in real estate purchase and sale transactions, commercial leasing and wind energy development.

Robyn Ridler Aoyagi practices commercial litigation with an emphasis on appellate law.

Attorney **Kristin Bremer** has joined the firm's labor and employment practice group.

MARKOWITZ HERBOLD ET AL

The firm has appointed **Lynn R. Nakamoto** as managing shareholder. Nakamoto has been with the firm for more than 17 years, and concentrates her practice on employment law and civil appeals. She replaces **Lynn Stafford**, who held the position for seven years. Stafford will continue to focus on complex commercial cases, including the areas of real estate, accounting malpractice and other business litigation.

Five lawyers from the firm were honored as Oregon Super Lawyers. **David Markowitz**, **Peter Glade**, **Bill Mehlhaf**, and **Lisa Kaner** were listed in the business litigation category. **Jeff Batchelor** was recognized for his work in the area of appellate law.

Markowitz, Glade and Batchelor received special mention for being among the Top 50 attorneys in the state. Markowitz also led the Top 10 list, earning the highest number of points of any lawyer in Oregon.

GORDON & POLSCER

Diane L. Polscer, Managing Partner, has been named as an Oregon Super Lawyer for Insurance Coverage in the November 2006 issue of *Oregon Super Lawyers*.

Elaine J. Brown has joined the firm as an associate. Her practice areas will be commercial litigation and insurance coverage litigation.

FARLEIGH WITT

Valerie Athena Tomasi and **Brad C. Stanford** have been recognized as Oregon Super Lawyers. Tomasi was selected in the real estate and banking areas of law. Stanford was selected in the general litigation area of law.

In addition, Tomasi was selected as a 50 Great Leaders for Oregon as published in *Oregon Business* magazine's Power Book 2007.

GEVURTZ MENASHE ET AL

The firm has added **Robin C. DesCamp** as an associate attorney. DesCamp's practice will focus on dissolution, child custody, modification of child support orders, and name changes.

DAVIS WRIGHT TREMAINE

The firm has merged with Washington, D.C.-based Cole, Raywid & Braverman.

Tips from the Bench

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

Personal Identifying Information in Exhibits

How often have you seen personal identifying information in exhibits that are offered and received into evidence in trial or attached to motions or pleadings? This happens in civil litigation, as well as criminal cases and family law cases.

Along with the name of the person whom the exhibit references, we commonly see Social Security numbers, dates of birth, addresses, next of kin, etc. While this most commonly occurs with medical records, many other types of exhibits we see in court also contain this type of information.

While in civil and family law litigation exhibits are generally withdrawn at the end of trial, the court retains the exhibits after criminal trials. With trial exhibits and certainly with documents that are attached to motions and pleadings as exhibits, there is a very real risk this personal identifying information could be inappropriately used (read: identify theft).

Practice tip: Redact personal identifying information from exhibits before using the documents as exhibits to court filings or in trial. Be sure to tell the other side what has been redacted.

Witness diagrams and charts during trial

In trial much time is wasted using the easel for diagrams, etc. Despite years of CLEs and law school trial practice classes, it remains common for lawyers to ask a witness to step to the easel in trial to draw a diagram of the scene of the crime or accident or do calculations illustrating some point for the jury. Frequently the



lawyer asks the witness to use different colored pens for different parts of the diagram or chart.

Most of the time the witness is either a lousy artist or is unprepared to draw the diagram or make the calculations for the chart. The witness is usually very slow and does a poor job of it. Also, frequently the diagram or chart suffers from the poor handwriting of the witness. Frequently the witness has to acknowledge that he/she does not remember the details very well.

This same problem occurs when the trial lawyer attempts to write at the easel while the witness is testifying.

Practice tip: Prepare the diagram or chart ahead of time. Come to court for trial with good diagrams of the scene that your witnesses are prepared to acknowledge are accurate. Have someone with good handwriting prepare these materials ahead of time. If you must prepare them during trial, try to give your witness a chance to do so during a break in the trial, to avoid the delays and other pitfalls associated with having the witness do the diagram or calculations in front of the jury during trial.

2007 MBA Professionalism Award Nominations Sought

The MBA Professionalism Committee invites member nominations for the MBA's award "for the highest ethical standards and exemplary conduct in the practice of law and for making the practice of law more enjoyable."

Eligibility

- Any MBA practicing attorney member, except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award. Former nominees may be re-nominated.
- The recipient should exemplify, not simply meet, the standards in the MBA Professionalism Statement.
- The award is intended to recognize and honor personal and professional qualities, reputation and conduct.

- The recipient should be a role model for other attorneys, particularly younger MBA members.

Past recipients have been **Raymond Conboy, Thomas H. Tongue, Randall B. Kester, Frank Noonan Jr., Donald W. McEwen, Don H. Marmaduke, Noreen K. Saltveit McGraw, Thomas E. Cooney, John D. Ryan, George H. Fraser, Barrie Herbold, Walter H. Sweek, Daniel E. O'Leary, Mark R. Wada, Sandra A. Hansberger, Robert C. Weaver, Walter H. Grebe and Susan M. Hammer.**

Nominations are due by **Friday, February 2**. Please look for the nomination form inside this issue and at www.mbabar.org.

Judge Elizabeth Welch Retires from the Bench

By Todd L. Van Rysselberghe, Kennedy Watts et al and MBA Court Liaison Committee member.

For the past 17 years, Judge Elizabeth Welch presided over more than the steady stream of cases placed on her docket. She has been at the center of innovative changes improving the operations of the Family Court.

Judge Welch served as the Chief Family Law Judge since 1993. With her leadership, the judges of family law retooled the way cases are handled from start to finish. The result is a system that is more efficient and adapted to addressing the complexities of the matters brought before it.

She grew up as the daughter of a Rabbi who served as an Air Force officer. Her father's career provided the opportunity to live in various places throughout the world. Judge Welch graduated from the University of Chicago with a degree in philosophy and earned her law degree from the University of Chicago Law School.

Judge Welch ultimately settled in Oregon. She spent two months clerking for the Oregon Supreme

Court. Her career expanded to the courtroom in Multnomah County, where she became a Deputy District Attorney. She entered private practice in 1979 and devoted her efforts primarily to family law. In 1989, Judge Welch was appointed as a family court judge. Over the years, she served on numerous boards, commissions, committees and task forces, including the Oregon Law Institute Board of Directors and the National Council of Juvenile and Family Court Judges.

Some lawyers recall the days when domestic relations cases were processed with the civil and criminal cases. The present system was adopted in 1993, giving authority to a panel of judges to handle a broad range of domestic matters including dissolutions and modification proceedings, juvenile matters, adoptions, civil commitments, filiation proceedings and family abuse prevention orders. Probate proceedings were added in 1996, which turned out to be

a natural fit. Judge Welch saw opportunities for practical changes along the way. She helped create a case management system that leverages the skill sets of the family law judges and allows them to focus on unique aspects of each case.

Among her priorities is the need to make the court more accessible to the public. Success, however, brought new challenges to the bench in the form of more pro se litigants. These cases typically require more direction from the bench, which can encroach on the judge's role if not kept in check.

Judge Welch entered the new year as a senior judge. She will pursue her passion for traveling, which she shares with her husband. However, she has no plans to step away from the law any time soon. She will continue to resolve cases as a senior judge and expand her activities to include appellate court mediation and other functions where she can be of service.

Making a Difference

By Kathleen Hansa Rastetter, Clackamas County Counsel.

Lorraine Page and her daughter Shannon did not know what to do. They were victims of abuse and they needed help, fast. The domestic violence both frightened Lorraine and made it impossible for her to sell her home - as her abuser was living on her property. Shannon called the police, who referred her to the Multnomah County Office of Legal Aid Services of Oregon (LASO). LASO coordinates the Domestic Violence Project (DVP), which matches pro bono attorneys with victims of domestic violence in contested restraining order and stalking order hearings. Lorraine obtained a restraining order against her abuser and he contested the order. LASO placed Lorraine's case with Richard Vangelisti, who has volunteered with the DVP for three and one-half years.

Richard represented Lorraine in the contested hearing and her restraining order was upheld. Through Richard's help, Lorraine was able to sell her home and move to a safe location. Lorraine described Richard as "so good to us" and talked about how he went beyond his legal duties by walking her and Shannon to their car after their hearing as they were frightened of their abuser. Shannon noted that Richard was patient and kind to her mother and reassured her at every stage. Shannon and Lorraine also appreciated how generous Richard was with his time and knowledge and both noted that he treated them as if they were

paying clients. As Lorraine said, before meeting Richard, she felt like her life was over, until Richard assisted her with one of the most difficult times of her life.

Richard started volunteering for the DVP when he formed his own firm (Vangelisti Kocher) and since then has represented numerous clients. One of his firm's core missions is to prevent injury before it occurs, which Richard believes dovetails nicely with his volunteer work with the DVP. He credits LASO with providing excellent training materials and with providing ongoing support.

Richard feels that as a legal professional he has an obligation to help those in need and notes the huge public need for

volunteer legal assistance. He also feels that doing pro bono work helps not only the public, but also serves the judicial system, as the process runs more smoothly with legal representation. But most of all he is committed to helping others in obtaining justice through the legal system.

Richard notes that what makes this case unusual is the special relationship that he formed with Lorraine and Shannon. Not only were they appreciative, but they have continued to communicate with each other, forming a friendship that Richard believes will continue. Both Lorraine and Shannon say without Richard's help they would have been in bad shape and they hope that others will see what a difference it makes when volunteers give their time to provide legal assistance.



Richard Vangelisti and two of his clients

Pro Bono Opportunities in Multnomah County Program Descriptions 2007

Many of the programs listed below have training materials and mentors available to assist new volunteers. All programs listed, except those that are starred (**), are OSB-certified programs. Volunteers for OSB-certified programs are covered by PLF insurance and do not need independent coverage on their pro bono cases. Volunteers who donate over 40 hours of pro bono work in the calendar year with these programs are eligible for vouchers to be used towards OSB CLEs.

For a full list of pro bono opportunities in Multnomah County, please consult www.mbar.org for an electronic copy of Pro Bono Volunteer Opportunities: A Guide for Multnomah County Lawyers, published by the MBA YLS Pro Bono Committee.

CATHOLIC CHARITIES IMMIGRATION LEGAL SERVICES**

Volunteer attorneys represent immigrant adult and child survivors of domestic violence in their immigration cases, including petitions under the Violence Against Women Act and gender-based asylum. Catholic Charities holds trainings for pro bono attorneys throughout the year and attorneys do not need to have prior experience with immigration law. Catholic Charities provides ongoing mentoring and technical assistance. **Contact:** Chanpone Sinlapasai-Okamura, 503.542.2855 x 41

CHILDREN'S REPRESENTATION PROJECT**

Attorneys are appointed by the court to represent children whose parents are involved in custody disputes in Multnomah County. Cases are assigned through the Multnomah County Family Law Court and the Honorable Susan Svetkey and her staff coordinate the project. Attorneys with family law and juvenile law experience are especially needed for this project. **Contact:** Brandy Jones, 503.988.3060, brandy.jones@ojd.state.or.us

COMMUNITY DEVELOPMENT LAW CENTER

This project of the Campaign for Equal Justice and Legal Aid Services of Oregon assists nonprofit organizations involved in housing and community economic development activities. The CDLC provides legal advice, representation, group

training and one-on-one technical assistance to its nonprofit clients. Examples of projects include: land acquisitions, review and negotiation of project financing and construction agreements, development of ground leases, contested land use cases, property tax cases, nonprofit mergers and general nonprofit governance matters. Call if you are interested in working with nonprofits to increase affordable housing for low-income Oregonians. **Contact:** Leon Laptook, 503.471.1180, leon.laptook@lasoregon.org

IMMIGRATION COUNSELING SERVICE**

ICS provides legal assistance in immigration related matters to low and moderate income residents of Oregon. The agency represents families seeking reunification, assists persons fleeing persecution and violence and educates the public regarding the citizenship process. Attorneys who would be interested in assisting with research, etc. do not need to have experience in immigration law. **Contact:** Barb Babcock, 503.221.1689, ext. 103, bbabcock@immigrationcounseling.org

LEGAL AID SERVICES OF OREGON, MULTNOMAH COUNTY OFFICE

Contact: Cathy Keenan, 503.224.4086, cathy.keenan@lasoregon.org or Lynne Lloyd, 503.224.4086, lynne.lloyd@lasoregon.org

• Bankruptcy Clinic.

The OSB Debtor-Creditor Section and LASO co-sponsor this clinic which provides information and representation to low-income individuals who are considering bankruptcy or who have already filed as pro se litigants. The project consists of a class, which addresses bankruptcy issues, and a clinic during which volunteer attorneys meet with clients and assess if ongoing representation is appropriate. The clinic is held on the 3rd Tuesday of the month from 6:30-9:30 p.m. and alternates between locations in Beaverton, Portland and Gresham. A training CLE for this project is scheduled for March 7, 2007.

• Domestic Violence Project.

Pro bono attorneys represent victims of domestic violence in contested Family Abuse Prevention Act, Elderly and

Disabled Abuse Prevention Act and Stalking Protective Order hearings. These cases tend to have short timelines, limited issues and require a court appearance. This project is an excellent volunteer opportunity for young lawyers, for lawyers seeking litigation experience, and for lawyers who cannot commit to taking long-term cases. Training materials are available and a CLE is planned for the Pro Bono Fair on April 4, 2007.

• Pro Se Assistance Project.

The Multnomah County Family Court and LASO co-sponsor this project in which volunteer attorneys provide pro bono consultations to low-income people who are representing themselves in their family law matter. Attorneys meet with up to three clients, each for a 45-minute appointment. Clinics are held from 2:30-5 p.m. every Tuesday and Thursday at the Multnomah County Courthouse. Attorneys provide legal advice or document review to clients and they are not expected to provide ongoing representation to clients. Clients sign a retainer agreement detailing the limited scope of the attorney-client relationship. A clinic procedure manual is available.

• Senior Law Project.

Volunteer lawyers meet with clients who are over the age of 60 or who are married to someone over 60, at nine senior center locations in Multnomah County. Volunteer attorneys meet with up to six clients with civil legal issues at each clinic and provide continuing pro bono services for those clients who meet LASO's financial eligibility requirements. LASO sponsors a monthly Elder Law Discussion Group to provide information and support on issues of interest to the attorney volunteers. A clinic procedure manual is available.

• Stoel Rives Night Clinic.

Stoel Rives, LLP sponsors an evening clinic every other Thursday from 5:30-7:30 p.m. The attorneys provide advice and representation to low-income clients with civil legal issues. Attorneys from Stoel Rives staff this clinic and are scheduled through the firm's clinic coordinator. Training materials are available.

MULTNOMAH BAR ASSOCIATION, YOUNG LAWYERS SECTION

• Attorneys for Youth**

Volunteer attorneys are placed on an on-call list, which is made available to organizations serving homeless and near-homeless teens and teens in job training programs. Attorneys agree to respond quickly to questions about criminal, family, immigration, landlord/tenant and employment law, among other subjects, but are under no obligation to provide continuing representation to the client. Training materials and a resource list are provided. **Contact:** Carol Noonan, Davis Wright Tremaine, 503.241.2300, carolnoonan@dwt.com

• Nonprofit Project**

Nonprofit corporations are screened and paired with volunteer attorneys who handle single-issue, non-litigation matters. Typical projects include reviewing bylaws, articles of incorporation, employment agreements and leases and providing advice on employment and intellectual property matters. This is a great volunteer opportunity for transactional attorneys. **Contact:** Michelle Barton, 503.224.5858, or michelle.barton@millernash.com or Christine Gibert, Miller Nash LLP, 503.205.2328, christine.gibert@millernash.com

OREGON LAW CENTER, PORTLAND OFFICE

Contact: Lori Alton, 503.473.8326, lorialton@yahoo.com

• Neighborhood Legal Clinic

Weekly clinics are conducted from 4:30-6:30 p.m. in Portland. Each clinic serves 3-4 clients. Common legal needs include collection, contract, landlord/tenant, unemployment, small estates and insurance defense issues. Currently there are two clinics, including one that is geared towards Spanish speaking clients. Individuals and law firms can schedule one or more appearances each year.

Third Annual Pro Bono Fair

April 4, 2007

Marriott Portland Downtown Waterfront
1401 SW Naito Parkway
Portland, OR 97201

Sponsored by:

OSB New Lawyers Division
OSB Pro Bono Committee
MBA Young Lawyers Section
Legal Aid Services of Oregon & Oregon
Law Center Pro Bono Committee

• ProBonoOregon Listserv

ProBonoOregon is a weekly email listserv that posts pro bono cases from programs serving the needs of low-income clients. The listserv allows attorneys to take the case they want, when they want it and in the field of their choice. To sign-up for ProBonoOregon, send an email to probonooregon-suscribe@mail.lawhelp.org or call Lori Alton for more information.

ST. ANDREW LEGAL CLINIC

Volunteer attorneys conduct 30 minute intake interviews at "night clinic" on family law issues. Night Clinic held every Wednesday and alternate Tuesdays from 6:30-9 p.m. in the Multnomah County office in NE Portland; Wednesday from 6:30-9 p.m. at the Washington County office in Hillsboro; and alternate Tuesdays from 6:30-9 p.m. and Wednesday afternoons in the Clackamas County office in Oregon City. Dinner is provided to all volunteers at 6 p.m. All volunteers supervised by a SALC staff attorney and volunteers do not need family law experience. Training materials are available. **Contact:**

Eileen Stein 503.281.1500 x10, estein@salcgroup.org for Portland
Debbie Bridges 503.557.9800 x10, dbridges@salcgroup.org for Oregon City
Gabi Suarez 503.648.1600 x13, gsuarez@salcgroup.org for Hillsboro



MBA 5th Annual WinterSmash A Family Friendly Bowling Event

Saturday, February 3
6-9 p.m.

20th Century Lanes
3350 SE 92nd

10 minutes from downtown Portland.
A Multnomah CourtCare fundraiser.

See insert and page 6 for details.

ProBonoOregon Listserv

Pick the pro bono case you want, when you want it!

Receive weekly pro bono case postings from nonprofit law firms serving the low-income community in the Portland metro area. Formatted for easy case review and offering a wide variety of legal issues and service needs (from brief advice to full representation), ProBonoOregon is an easy way for you to look for a pre-screened pro bono case. For more information or to sign up now send an email to probonooregon-subscribe@mail.lawhelp.org or contact Lori Alton, Oregon Law Center at 503.473.8326 or lorialton@yahoo.com.

The Benefits of Pro Bono Work for Young Attorneys

By James McCurdy, Lindsay, Hart et al.

Taking time to do pro bono work provides young attorneys an opportunity to gain experience while providing much needed representation to clients who may otherwise not have any legal representation. A study conducted in 2000 found that less than 18% of Oregon's low-income residents are able to acquire a lawyer's help with their legal problems. In recognition of that problem, the OSB has set an aspirational standard for pro bono service, suggesting that every attorney perform 80 hours of pro bono work annually, of which 20-40 hours should be the provision of legal services to the poor.

At first glance that aspirational goal may seem daunting to young attorneys who already have time limitations. However, the benefits make the time investment worthwhile. One advantage to taking time for pro bono work is the moral satisfaction of providing needed representation to unrepresented and under-represented populations and ensuring equal

access to the legal system. "There is a satisfaction in helping people who otherwise would not have access to legal services and are in desperate need of legal help. I have always believed that the measure of a society is how it cares for its weakest members and that we have a duty as attorneys to give back to our community," says Edward Tylicki, an associate at Lindsay Hart et al.

In addition to moral satisfaction, pro bono work provides young attorneys with the unique opportunity to receive training and experience they may not otherwise receive. Due to the level of responsibility involved, young attorneys have a chance to sharpen their skills and judgment early in their careers. For young attorneys interested in obtaining courtroom experience, pro bono work is likely to get you into court much earlier in your career than would otherwise be possible. Although he is motivated by what he recognizes as his professional obligation,

Edward recognizes that he has gained valuable practical skills from his numerous pro bono cases. In recounting work with several of his pro bono clients he explained, "I have learned a great deal about developing client relationships and working with all types of clients." In representing a diverse group of clients in equally diverse areas of law he has gained experience and a heightened level of comfort in representing his clients in court.

The opportunities available through pro bono work are as varied as the programs seeking volunteers. Those programs provide opportunities to gain skill, experience and training in many areas of law including land use, family law, immigration, bankruptcy and elder law, just to name a few. If you are interested in gaining practical legal skills while serving the community, you may find a listing of pro bono volunteer opportunities in this issue or on the OSB Web site, or at www.mbabar.org.

Pro Bono Work Opportunities for Transactional Attorneys

By Alexandra West, Johnson, Renshaw & Lechman-Su.

There are a number of pro bono opportunities in Multnomah County that appeal specifically to transactional attorneys. The Nonprofit Project, a brainchild of the MBA YLS Pro Bono Committee, is hard at work helping nonprofit charitable organizations find the answers they need to thorny legal questions. And better yet, it is doing this work the way the universe most certainly intended - for free.

Working closely with the Technical Assistance for Community Services Program (TACS) that screens the initial cases, the Nonprofit Project serves the community by placing organizations that need legal assistance with volunteer attorneys who help them at no charge. "TACS is a nonprofit that helps other nonprofits," explains Christine Gibert, the new coordinator of the Nonprofit Project. "TACS screens the cases, sends them to me and then I match the clients with volunteer lawyers." A young lawyer herself and an associate at Miller Nash, Christine has successfully matched five projects with pro bono attorneys in two months.

As expected, her volunteers are reporting positive experiences. Laura Takasumi, a business tax attorney who has volunteered with the project reports, "The clients are screened well and are a lot of fun to work with. The project is a great way for young lawyers to gain direct client contact." Laura's work has involved reviewing tax exemption issues, reviewing bylaws and bringing organizations up-to-date with state and federal requirements.

Jeneé Gifford, an associate at Miller Nash, reports similar positive results. As a new member of the OSB, Jeneé is grateful for the opportunity to learn through volunteering. "It has been great. I have been able to work closely with clients. I like the hands-on experience and I like working

in new practice areas." She adds how nice it is to work with people who are themselves working to help people.



Jeneé Gifford

The Community Development Law Center (CDLC) provides assistance to nonprofit organizations involved in housing and economic development activities. CDLC is a project of Legal Aid Services of Oregon and the Campaign for Equal Justice. Tad Everhart,

an attorney at CDLC explained, "Our mission is affordable housing." The four attorneys and one land use professional on hand at CDLC rely on pro bono attorneys to assist them with their work. They represent organizations through all stages of the housing development process, including land acquisition, relocation issues, drafting builder and property management agreements, negotiating financing, providing representation in

construction disputes and any number of related issues.

Finally, the newly-formed Small Business Legal Clinic of Lewis & Clark Law School offers lawyers another great opportunity to do pro bono work and hone their business law skills at the same time. The clinic meets once a month and is aimed at serving under-served local businesses. Clients are matched with a law student and/or volunteer attorney who provides advice regarding legal issues such as drafting agreements, counseling about entity formation and entity audits. Maggie Finnerty is the clinical law professor who oversees the clinic and she encourages attorneys to volunteer.



Lisa LeSage, Maggie Finnerty and Steve Goebel, Chair, from the newly-formed Small Business Legal Clinic of Lewis & Clark Law School

For more information about volunteering with the Nonprofit Project, call Christine Gibert at 503.205.2328, the Community Development Law Center, call Tad Everhart at 503.471.1158 and for the Small Business Legal Clinic, contact Maggie Finnerty at finnerty@lclark.edu.



YLS Socializes and Provides Toys for Tots

On December 13, the YLS held its annual Holiday Drop-in Social at Jax Restaurant and Bar. The social was generously sponsored by Gearing, Rackner & Engel, who helped create a festive atmosphere for YLS members connecting for the last time in 2006. The YLS holds an annual toy drive in conjunction with the Holiday Social. Toys are collected for the US Marine Corps Toys for Tots program. Toys for Tots has been helping children during the holidays since 1947, and all donated toys stay in the local community. This year's event was a resounding success. Thanks to the overwhelming generosity of MBA members,

several huge boxes of toys were collected. This was only half of the story, as the heart of the toy drive was the internal collection by numerous Portland law firms. The YLS gives special thanks to Gevurtz Menashe Larson & Howe, Foster Pepper Tooze, Schwabe, Williamson & Wyatt, Miller Nash, Gearing Rackner & Engle, Barran Liebman, Cosgrave Vergeer Kester, and Zipse, Elkins & Mitchell for their incredible support and generosity. Thanks to these firms and MBA YLS members, many local families experienced the joy of the holiday season with the gift of toys for their children.



Associates from Gearing Rackner & Engel - Melissa Hurley, Alex Nowlin, David Eder and Michael McGrath - at the holiday social

The YLS Professional Development and Education (PDE) Committee Announces the Second Annual 2007 Peer-to-Peer Program Orientation

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

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

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

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

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

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

Appetizers will be provided; no-host bar

OSB and MBA Provide Pro Bono Help and Challenge

By Diana Stuart, Stuart Law Offices and Sarah Creem, Gevurtz Menashe Larson & Howe.

While Oregon law firms are committed to providing pro bono services, surprisingly few have an internal written pro bono policy. Last spring the OSB Pro Bono Committee launched a pilot project with several firms statewide to help design model policies that could be easily adapted for law firms of differing sizes, locations and practice types. The project participants believed that the creation of a written pro bono policy would help firms articulate their pro bono commitment and clarify the expectations, standards, and procedures for pro bono involvement by firms' attorneys.

Thus far, the participating firms have been asked to create goals (if none exist) and update, or revise their current written pro bono policies using the model template provided by the OSB Pro Bono Committee. After creating their own firm policy, participating firms then helped to fine-tune the template based upon their experience using the tool. With the help of the participating firms, the committee is finalizing the template in an interactive form so that it can be accessed from the OSB website by early 2007.

It is the hope of the OSB Pro Bono Committee that this interactive template will allow every firm throughout the state to craft a written pro bono policy that best fits each firm's unique culture, size and goals.

As the OSB was working with the pilot project participants, the MBA was establishing a taskforce to develop a pro bono pledge or challenge for Multnomah County lawyers and law firms. The taskforce is reviewing programs from around the country which have successfully challenged lawyers and law firms to adopt commitment statements and a set of core principles about the importance of pro bono service in their communities. The MBA (which was one of the pioneer bar associations in the US to implement a successful professionalism pledge program) acknowledges that less than 20% of low-income Oregon residents currently receive needed legal assistance. In order to maintain the rule of law in our community, our legal community has to continue its tradition of generous financial contributions to the Campaign for Equal Justice and the Volunteer Lawyers Project AND has to provide pro bono legal services to clients in need.



Elements of successful programs in New York City and Cleveland include commitments to a self-determined aggregate number of hours of pro bono service per firm, commitments to allow billable hour credit for a pre-determined amount of pro bono service, or commitments to support a specific pro bono project.

The MBA taskforce has begun meeting and hopes to draft a pro bono pledge that is well suited for our community and it hopes to make a presentation to the MBA Board in the next several months. Participants on the committee are: Chair, Diana Stuart, (Stuart Law Offices), David Peterson (Tonkon Torp), Cathy Keenan (LASO), Robert Steringer (Harrang Long Gary Rudnick), Lori Alton (Oregon Law Center), Kelly Struhs (Stoll Stoll Berne Lokting & Shlachter), Sandy Hansberger (Campaign for Equal Justice), and Eric Waxler (Zipse Elkins & Mitchell). We encourage input from any firm or attorney and encourage other interested parties to contact any member of the committee.

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.

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Function of a Trial Lawyer

Continued from page 6

is a modern trend (not here disparaged) to seek alternative means of dispute resolution. But these may ignore the fact that it is in the crucible of the courtroom that the law is ultimately applied to the events of everyday life, and the rights that we value so highly are protected.

Arbitration and mediation are meaningful only against the backdrop of what the courts would do if the case were litigated there. And the appellate courts can rule only on the questions presented to them, which in turn depend on the record made in the trial court. So the function of the trial courts and trial lawyers is basic to our system of justice, and no apology is needed for an emphasis on litigation.

ABA Elder Law Publication 20% Discount to Members

Understanding Elder Law: Issues in Estate Planning, Medicaid, and Long-Term Care Benefits
The practice of elder law is unique because it includes key elements of several specialties, but only as they relate to the special needs of the older client. To help practitioners understand and better represent these clients, this new handbook provides a broad introduction to the legal rights of the elderly.

The initial chapter focuses on what may be new challenges for the lawyer in working for an elderly client, along with difficulties in determining who is being represented – the older person, the family members who may be involved in the

communications, or both - as well as critical issues related to determining the competency of the individual.

The MBA member price for this book is **\$95.96**, regularly \$119.95. We also encourage you to attend the MBA Litigating Elder Abuse Cases CLE seminar on January 24.

To purchase this publication or to see what others have said about it log onto www.ababooks.org and enter your member discount source code PAB5EMUL. This discount applies to these or any publications featured on the ABA Web site.

MBA, Legal Services of Oregon and the Oregon Law Center recognize pro bono volunteers on an insert inside this newsletter.

get the new year off to a great start with the YLS at the KELL'S IRISH PUB!

The MBA YLS is holding a Drop-in Social at the Kells Irish Pub from 5:30-7:30 p.m. on Thursday, January 11.

We are honored to have Oregon Supreme Court Justice Virginia Linder as a speaker at this event. Justice Linder recently became only the fifth woman in Oregon's history to achieve the distinction of winning a contested statewide election and she is the first woman to win a contested election for the Oregon Supreme Court. A leader in the Oregon legal community for over 20 years, Justice Linder is a true inspiration for young lawyers. We encourage ALL lawyers to come and hear her speak on behalf of the MBA.

This is a casual get-together and a GREAT opportunity to meet and network with young lawyers in the area.

Grab your friends and co-workers and come see one Oregon's most inspiring lawyers!

We look forward to seeing you there!

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OSB Pro Bono Program Web site

Visit us at www.osbar.org/probono

Need information about the needs, goals and resources of pro bono service in Oregon? Visit the OSB Web site to find pro bono opportunities and look for certified pro bono programs providing free PLF coverage for pro bono volunteers. Get information about pro bono initiatives and events, report your pro bono hours and browse the site to learn more about pro bono and its crucial role in access to justice in Oregon.

Multnomah Bar Foundation Now Accepting Letters of Inquiry



M U L T N O M A H B A R F O U N D A T I O N

The Multnomah Bar Foundation (MBF) is a charitable organization founded in 2005 with the purpose of creating resources to advance community knowledge and respect for the law. The MBF was created by the MBA and shares the association's mission to promote justice, service, professionalism, education and leadership for members and their community.

The MBF awards grants to organizations and other groups for projects or programs that encourage respect for the rule of law, promote civic education and public participation, and are related to the law and further the mission of the MBA. Grants will not exceed \$5,000 except in special circumstances. Priority is given to new projects that utilize MBA volunteers in the geographic area served by the MBA.

The foundation will begin accepting letters of inquiry January 1.

Full grant applications must be received by March 1, and grant awards will be announced June 1. Grant recipients will be required to provide the foundation with an evaluation detailing how funds were expended, what the grant achieved and what goals were accomplished. They will also be required to provide the foundation with copies of any publicity on the project naming the MBF as a source of funds.

The foundation prefers not to consider more than one application

from the same organization in a single fiscal year, unless special circumstances justify it. Grants are intended to facilitate the initiation or expansion of projects rather than long term funding of ongoing projects. However, recipients may apply for additional funding in subsequent years. A printable version of the grant application may be found on www.mbar.org. If you have questions about the MBF grant application process, please contact Noëlle Saint-Cyr at 503.222.3275.



Participants at the CLP Democracy Camp, one of the recipients funded by the Multnomah Bar Foundation



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