



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION
1906

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

April 2010 Volume 56, Number 4

We Believe in Justice

By Leslie Kay, MBA President.

The Campaign for Equal Justice wrapped up its 2009 fund drive in March, 2010 and Oregon lawyers once again answered the question "Do You Believe in Justice?" by contributing \$1 million to support legal aid. Even in this tough economic climate - and perhaps because of it - Oregon lawyers demonstrated their deep commitment to the concept that all Oregonians, regardless of ability to pay, must have access to a lawyer. Legal aid staff attorneys Pam Haan, Cashauna Hill, David Koen and Monica Goracke discussed their work in a recent conversation with MBA President and LASO Multnomah County Regional Director, Leslie Kay.

Monica, you grew up in Oregon, received a law degree from Stanford, and now are a managing attorney in the Portland office of the Oregon Law Center (OLC). In the past year poverty rates have risen dramatically in Oregon. The state has lost over 100,000 jobs since 2007; claims for unemployment benefits are on the rise and homelessness has increased. How are OLC and Legal Aid Services of Oregon (LASO) responding to the crisis?

We represent clients whose legal problems are caused or worsened by poverty. In recent months, we have seen more and more clients with claims for unpaid wages, staggering medical bills and an inability to access affordable housing. We have been flooded with requests for help from clients who are trying to obtain or keep their unemployment insurance, and have increased resources to assist them. In the past few weeks, more than 80% of claimants represented by our staff lawyers and pro bono volunteers have been successful in their unemployment hearings. Because of the economic crisis, many more Oregonians, including families with children, are homeless for the first time in their lives. We prioritize cases in which clients will be homeless without legal assistance. We have worked with businesses and local governments to find creative solutions to legal issues relating to homelessness. We have also challenged local ordinances that unfairly impact homeless people.

Pam, you received your law degree from Lewis & Clark and have practiced family law with the Multnomah County Office of LASO for 10 years. Most of your work focuses on cases involving domestic violence. We have seen a spike in the incidences of lethal domestic violence in the last several months. Can you comment on your practice and the other activities that you are involved in as part of the coordinated community response to domestic violence?

I first started working at LASO as part of an AmeriCorps project designed to combat domestic violence in the community and

have been representing domestic violence, sexual assault and stalking victims ever since - both through direct representation and as part of a coordinated community response. Everyone in the domestic violence provider community has been in shock following the recent spate of domestic violence homicides. LASO participates in the Multnomah County Domestic Violence Fatality Review Team, and the Domestic Violence Enhanced Response Team (DVERT). Both collaborations bring together representatives from law enforcement, shelters and the courts to look at how the community responds to domestic violence and hopefully prevents fatalities in the future. Both of these projects are models for communities around the state in dealing with domestic violence. The Gateway Center for Domestic Violence Services is an encouraging new project sponsored by the City of Portland and Multnomah County. The center will begin providing services to survivors over the next several months. It will provide advocacy, civil legal assistance through LASO, emergency monetary relief and access to law enforcement and prosecution.

David, you received a law degree from Georgetown and after a stint as a Legal Services attorney in New Orleans in the Hurricane Katrina era, you joined the Multnomah County Office of Legal Aid Services of Oregon in 2009. You handle foreclosure cases. What does the legal landscape look like in that area?

The foreclosure crisis has slammed Oregon. In February, Oregon had the nation's thirteenth highest foreclosure rate, with perhaps only a handful of attorneys specializing in foreclosure prevention outside of bankruptcy. According to a national study, almost 22% of home owning families are low-income. Last year, LASO created the Oregon Foreclosure Legal Assistance Project (OFLAP) to try to make some headway. OFLAP has trained 15 legal aid attorneys to do foreclosure prevention work. The OLC also has a foreclosure project. We have also teamed up with nonprofit housing counseling agencies and the private bankruptcy bar to try to provide homeowners with affordable legal assistance. We've made some progress in addressing the foreclosure problem, but many more attorneys are needed to meet the crushing demand by distressed homeowners for legal assistance.

Continued on page 3



L to R: Pam Haan, Cashauna Hill, David Koen, and Monica Goracke

MBA CLE

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

April

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Multnomah County Presiding Court Update**
Judge Jean Maurer

**Tuesday, April 20
MBA Smackdown – A Debate on the Vanishing Jury Trial**
Judge Janice Wilson
Thom Brown
Michael Dwyer
Dana Sullivan

**Tuesday, April 20
Commercial Real Estate Leasing – The Changing Landscape**
Daniel Drazan
Tom Smith
Renee Stineman

**Tuesday, April 27
Attracting and Retaining a Diverse Legal Workforce**
Clarence Belnavis
Román Hernández
Cashauna Hill
Jennifer Warner
Simon Whang

**Wednesday, April 28
Annual Probate Update**
Judge Rita Batz Cobb
Judge Robert Herndon
Judge Katherine Tennyson

May

**Wednesday, May 5
Nonprofit Entity - Perpetuity Ain't Forever**
Scott Howard
Amy Stillman
Jeffrey Thede

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Multnomah Bar Association Annual Meeting, Dinner and Judges Reception

Tuesday, May 11, 5 p.m.

Marriott Portland Downtown Waterfront
1401 SW Naito Parkway

Celebrating the profession and recognizing our colleagues

Professionalism Award Recipient
Garry Kahn

RSVP by April 27.
Invitations have been mailed separately.

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THE MULTNOMAH LAWYER is published 11 times per year by the Multnomah Bar Association, 620 SW Fifth Ave. Ste. 1220, Portland, OR 97204 503.222.3275

An annual subscription is included in member dues or may be purchased for \$20. Letters, award and news items, and announcements are welcome. Articles by members are accepted. All submissions may be edited for length, clarity and style, are published on a space available basis, and at the editor's discretion. Views expressed in articles represent the authors' opinion, not necessarily the MBA's. The publication does not purport to offer legal advice.

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

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- Gypsy curse



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Bench, Bar and Bagels

While some may have hit the snooze button in the early morning of March 9, another 50 people or so were gathered to meet in the law office of Stoel Rives for the MBA's first "Bench, Bar and Bagels" networking event. The event, a brainchild of the MBA Membership Committee, was an opportunity for early birds to enjoy pastries with their colleagues and to say hello to the judges in a casual setting. "We had a terrific turnout, and the coffee was a nice perk too," said MBA member Colin Andries, who helped organize the event with Andrew Schpak. "Sure it's early, but don't most people start their day with coffee anyway? This event satisfied that craving and provided a great opportunity to reconnect with some old friends and make some new ones." Schpak enthusiastically chimed in.



Bonnie Richardson, Judge Adrienne Nelson and Akira Heshiki at the Bench, Bar and Bagels event

The event was kindly sponsored by the law firm of Stoel Rives and Bullard Smith Jernstedt Wilson. If you or your firm are interested in

sponsoring a similar event in the future, please contact Kathy Maloney at kathy@mbabar.org.



We Believe in Justice

Continued from page 1

Cashauna, you grew up in Portland, received your law degree from Tulane, and joined the OLC in 2009. Your fair housing position was created with unclaimed money from a class action case handled by the private bar in Multnomah County and directed to OLC to be used for this work. Can you comment about your work?

I represent individuals whose rights have been violated under local, state and federal laws prohibiting housing discrimination. I also provide outreach and education to social service providers and others who serve our potential client community. I'm working on several cases involving sexual harassment and even sexual assault against vulnerable low-income women.

Discrimination against racial minorities and people with disabilities continues to create barriers to housing, disproportionately impacting our low-income clients. I see firsthand the positive impact that access to legal representation has for victims of discrimination.

The Corner Office

Discussion of the duty to report other lawyers for professional misconduct invariably raises the hackles on lawyers. Some are of the opinion that the rule is routinely ignored; others believe it is too often used as a tactic to gain an advantage in an ongoing legal dispute. Whatever your opinion may be about the wisdom of the rule, understanding and complying with Oregon RPC 8.3 *Reporting Professional Misconduct* is undoubtedly integral to being a member of our self-regulating profession.

RPC 8.3(a) requires lawyers to report another lawyer to the bar when they know that lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects. Many articles have discussed how to determine when you have the requisite "knowledge" of a violation and when that violation raises a substantial question regarding the lawyer's honesty, trustworthiness or fitness as a lawyer. The question often left unanswered, however, is how to report in a professional manner.

Consider the following scenarios: opposing counsel makes a representation to the court that

you know is false; you believe that opposing counsel has a conflict of interest in representing his client; opposing counsel sends a letter directly to your client; opposing counsel appears to be stonewalling on discovery.

You could report a lawyer to the bar for the conduct described in any one of these scenarios. Depending on the details of the situation, you may be required to do so. Your client may also be demanding that you bring fire down upon your adversary. If this lawyer has been a particular pain in your side, you may even relish the thought of initiating a complaint of ethical misconduct.

Before you compose your letter of complaint to the bar, however, why not give opposing counsel the opportunity to explain the conduct? The ethics rules do not prohibit you from doing so, and professionalism ideals urge you to do so. Further, if you do decide to report, is it necessary or even desirable to include invectives or adopt a tone of self-righteous indignation?

Professionalism principles ask that lawyers be courteous, respectful and fair to others. In this context, professionalism means treating others as you would like to be treated, notwithstanding the fact that you may feel mistreated. It means taking the high road when your opponent is playing in the mud and not allowing

your emotional reaction to become your professional response. Soliciting and listening to the opposing lawyer's side of the story not only shows respect for and fairness to your opponent but may also provide you with information that resolves the question of whether you must report the lawyer to the bar. The explanation might surprise you. And if not, having that response and omitting snide editorial comments from your complaint to the bar is likely to lend more credibility to your concerns about the lawyer's conduct.

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

CALENDAR

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

April

6
Tuesday, MBA Board mtg

8
Thursday, MBA CLE – Multnomah County Presiding Court Update
See insert or register at www.mbabar.org.

9
Friday, May Multnomah Lawyer deadline

13
Tuesday, YLS Board mtg

16
Friday, Frohnmeyer Award Dinner
See details below.

19
Monday, CourtCare Fundraising Campaign begins
See insert or visit www.mbabar.org for details.

20
Tuesday, MBA CLE SmackDown: The Vanishing Civil Jury Trial
See insert or register at www.mbabar.org.

Tuesday, MBA CLE Commercial Real Estate: the Changing Landscape
See insert or register at www.mbabar.org.

21
Wednesday, Administrative Professionals Day

Wednesday, Classroom Law Project Annual Meeting
Visit www.classroomlaw.org for details.

22
Thursday, MBA CLE Multnomah County Arbitrator Required Update
See insert or register at www.mbabar.org.

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

27
Tuesday, MBA CLE – Attracting a Diverse Workforce
See insert or register at www.mbabar.org.

28
Wednesday, MBF Board mtg

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

29
Thursday, YLS Program: Secrets of Superstar Attorneys
See p. 10 for details.

May

3-8
Monday-Saturday, YLS Community Law Week
See p. 10 for details.

4
Tuesday, MBA Board meeting

6
Thursday, YOUthFILM Screening
See p. 10 for details.

7
Friday, MBA Brownbag Time is of the Essence
See Announcements on p. 4 for details.

10
Monday, June Multnomah Lawyer deadline

11
Tuesday, YLS Board meeting

Tuesday, MBA Annual Meeting and Dinner
See p. 1 for details.

19
Wednesday, MBA CLE Multnomah County Arbitrator Required Update
See insert or register at www.mbabar.org.

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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

The (High) Costs of Discipline, Part 2: Trying to Avoid the Numbers



Last month, we looked at the economic cost of defending against bar complaints. The baseline statistics we used were from 2008 because it is the last year for which both national and regional statistics are currently available. We'll continue to use statistics from that year for illustrative purposes as we shift our focus to practical steps we can take to lower the risk of bar complaints. The OSB Disciplinary Counsel's Office 2008 annual report furnishes a useful breakdown of disciplinary sanctions imposed by type of misconduct. Those numbers, in turn, provide equally useful suggestions about how to avoid becoming a statistic. We'll look at four areas in particular both because they generate significant disciplinary numbers and because they involve situations where lawyers can take proactive steps to lessen disciplinary risk.

Neglect

Neglect was involved in 41% of the cases resulting in disciplinary sanctions in 2008. "Neglect" is a catch-all in this context that suggests multiple solutions. First, don't take on more work than you can realistically handle. The line between "busy" and "out of control" occasionally blurs. We need to have a constant sense of where it is to avoid understandable client disappointment when their work has not been handled in a timely way because it shouldn't have been taken on in the first place. Second, focus primarily on work that is in your main area of expertise. Most of us are likely to handle matters most efficiently in areas in which we are experienced. Third, set agreed and well-articulated objectives with the client so that you both understand when work or major milestones along the way will be completed. Clear two-way communication can often avoid both misunderstandings and unrealistic client expectations. Finally, keep clients informed of both expected and unexpected events that may affect the timely completion of the work involved. In some instances, it is not the work that has been "neglected." Rather, what has been "neglected" is telling the client what has occurred or simply that, for example, a motion is under advisement and you won't have anything to report until the court rules.

Accounting

Inadequate accounting records and trust account violations collectively were involved in 38% of cases resulting in discipline in 2008. Most lawyers view practicing law as a profession rather than a business. Nonetheless, we need to ensure that the business aspects of our practices are consistent with our professional obligations. Toward this end, we need to make sure we have adequately trained and supervised staff, who understand the absolutely critical nature of our obligation to properly handle and account for client funds.

Excessive Fees

"Excessive" or "illegal" fees were involved in 17% of disciplinary cases in 2008. Fees can be a particular flashpoint with clients large and small. Although it may not be possible to give a client a precise cost estimate at the outset of a new matter, major misunderstandings can often be avoided by outlining (in writing for both clarity and future reference) such key variables as planned staffing, timekeeper rates, agreed mechanisms for changing rates over the duration of the matter and the anticipated scope of the work. Sending clients timely, understandable bills also helps avoid both misunderstandings and "unpleasant surprises."

Improper Withdrawal

Improper withdrawal was involved in 24% of disciplinary cases in 2008 and an often related area - failure to return client property - was involved in another 13%. Parting ways short of a matter's end is almost always difficult for the lawyer and the client alike. In many instances it is not the *reason* for the withdrawal that makes it "improper." Rather, it's the way it was done. RPC 1.16(c) and (d) spell out specific steps we must follow in withdrawing - including reasonable advance notice to the client, court permission if required by applicable procedural rule, taking reasonably practical steps to protect the client during the transition and returning unearned client funds and other property. Although files may be subject to possessory lien rights, OSB Formal Ethics Opinion 2005-90 counsels that a client's need for a file generally "trumps" a lawyer's possessory lien over the file. In light of that (good

ANNOUNCEMENTS

MBA Noon Time Rides

Gather at SW Yamhill and Broadway between noon and 12:10 p.m. on Mondays and Thursdays. Contact Ray Thomas at 503.228.5222 with questions, or meet at the start.

SBLC Open House

The Small Business Legal Clinic of Lewis & Clark Law School (SBLC) hosted an open house in February to celebrate its new office space and another year of service. Two volunteers were recognized: **Vanessa Lee**, a first-year associate at Tonkon Torp, who managed the SBLC office for fourth months, and **Mary Hull**, a partner at Stoel Rives, who received the award for her outstanding pro bono service.

Take a Matter that Matters

Sign the MBA 2010 Pro Bono Pledge at www.mbar.org/probono.htm and commit to taking at least one pro bono case this year.

Commitment to Professionalism

The professionalism statement developed by the MBA Professionalism Committee is available for MBA members to order and display in their offices. The statement is printed on quality 11x14" parchment paper and is suitable for framing. Reconfirm your commitment to professionalism; order your free professionalism statement at www.mbar.org/docs/Profcertorder.pdf.

Queen's Bench Luncheon

On April 13, Cristina Abed, a financial advisor with Waddell

& Reed, will speak on financial planning for women. Luncheons are the second Tuesday of each month, from 11:45 a.m.-1 p.m. in the upstairs loft of Rock Bottom Restaurant in downtown Portland. The cost for the buffet is \$14.

Oregon Criminal Defense Lawyers Association Seminars

Juvenile Law Seminar, April 16-17, Agate Beach Inn, Newport Investigation and Trial Preparation Seminar, April 30-May 1, Hallmark Resort, Newport. For a look at the program of either of these two seminars, visit www.ocdla.org.

Celebrate the Anniversary of the Fair Housing Act with a Bus Ride and Lunch

Friday, April 23, 8:30 am-12:00 pm *Fasten Your Seat Belts ... It's Been a Bumpy Ride*

Join the Fair Housing Council of Oregon for a fascinating journey into Oregon's hidden history. This bus tour explores lost ethnic communities, forgotten hate crimes, Klan rallies and more. This event is followed by the Fair Housing Luncheon featuring Kevin Boyle, acclaimed author of *Arc of Justice: A Saga of Race, Civil Rights and Murder in the Jazz Age*. Also on the luncheon program is an update of discrimination in Oregon today. Cost is \$30, \$25 for students and seniors. Admission to both events is \$50, \$40 for students and seniors. To register, visit <http://fhco.org/fhmonth10.htm>.

A Class Act 2010 - Bill and Ann Shepherd Legal Scholarship Fundraiser

The 16th annual classical music and dessert revue benefits third

and fourth year law students dedicated to fighting bigotry and discrimination is Friday, April 23 at 8 p.m. at The Old Church in Portland. For information, call 503.286.1752.

Federal Bar Association (Oregon Chapter) Seminar

Friday, April 30, 12-5 p.m., Mark O. Hatfield US Courthouse, 1000 SW 3rd Ave., Portland. 4.5 CLE credits (3.5 practical skills; 1 ethics) are pending.

A class on using the federal rules to gather information, evaluate your case and advance your client's objectives as effectively and inexpensively as possible.

For more information contact Kevin Sali at kevin@hoffmanangeli.com or 503.222.1125. Scholarships and reduced fees are available.

May 7 Judicial Brownbag Time is of the Essence

The main topic of this MBA brownbag in presiding court is proceedings when time is essential. We will cover expedited motion hearings, show cause proceedings, temporary restraining orders and any other proceeding in which time is of the essence. This brownbag provides MBA members with an opportunity for informal discussion with our judges. Questions on other subjects are also welcome. Bring your lunch and questions to the Multnomah County Courthouse, Room 208 on Friday, May 7 at noon.

counsel, discretion is usually the better part of valor in dealing with a client's file upon withdrawal.

Summing Up

As with malpractice claims, good risk management will not avoid all regulatory complaints. But it will avoid many and will provide sound defenses for still others. Moreover, good risk management does not have to be expensive. More often than not it simply involves the systematic application of practical steps like good communication and documenting the key milestones in a representation. Those simple steps, though, can yield very real economic benefits to lawyers and their firms.

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CourtCare's 7th Annual Fundraising Campaign April 19-May 7

By Susan Marmaduke, Harrang Long et al and MBA Director.

Every day in the Multnomah County Courthouse, small children play in the safety of CourtCare, instead of roaming the courthouse halls unattended or, worse, witnessing adult conflict and other disturbing scenes in the courtrooms. Many of their parents are

involved in domestic violence hearings, testifying at trial or to the grand jury, attending eviction proceedings, participating in drug and alcohol treatment programs, or going through custody disputes. The CourtCare program also allows for smoother courthouse operations and enhances access to justice.



CourtCare, a project of the MBA, is operated by Volunteers of America Oregon and located in a converted jury room. The program has cared for more than 8,000 children (ages six weeks to five years) since opening its doors in December 2001. The children receive individual attention from state-certified childcare providers.

The program is made possible by the generosity of our legal community. It receives some public funding, but depends primarily on the financial support of individual lawyers, legal assistants, paralegals, law firms and judges. Most of CourtCare's funding comes from the annual CourtCare Campaign. Last year, more than 1,000 people contributed a total of over \$100,000 for the CourtCare program. Virtually every Multnomah County Circuit Court judge has contributed to the campaign in each of the past several years - a testament to the value placed on the program by those who see it in operation every day.

The 7th Annual CourtCare Campaign will run from April 19-May 8, with a goal of raising more than \$100,000. Every dollar helps, but the campaign will especially recognize donations at the \$150 and \$500 levels.

For those who wish to participate, the CourtCare Campaign stages a competition among law firms and other organizations, including the DA's Office, Metro Public Defenders, Multnomah County judges and courthouse staff. The law firm of Williams Love O'Leary & Powers has made the highest per capita contribution

to CourtCare for the past six years and last year, the law firm of Davis Wright Tremaine made the largest total contribution to the campaign, capturing the "Proudest Pride" trophy.

To learn more, please contact campaign co-chairs, Kristin Eaton, kweaton@yatesmatthews.com and Hwa Go, hwa.go@harrang.com. Also, please see this month's insert to make a donation by mail, or visit www.mbar.org, to make a donation online or to view a four-minute video about the CourtCare program.

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Justice Center

By Allison Boomer.

Opened in 1983, the Justice Center serves, in part, as a conduit for defendants between police custody and the Multnomah County Circuit Court. The Justice Center is home to numerous departments and offices connected by virtue of their role in the criminal justice system. These include a maximum-security correctional facility housing 500-600 inmates, offices of the Portland Police Bureau, offices of the Multnomah County District Attorney, and the Multnomah County Department of Community Justice.

For an individual arrested in Multnomah County, the Justice Center is the likely first stop on a journey through the criminal justice system. In order to accommodate the constant flow of individuals into the justice system, the center operates more days and for longer hours than most other courts. Every week day, the center's courts process all of the individuals arrested in a 24-hour period beginning 4 a.m. on the previous day. On Saturdays, a judge conducts probable cause hearings for individuals arrested after 4 a.m. Friday.

A typical day at the Justice Center begins at 5:30 a.m. when the lead worker in the morning arraignment unit arrives. The unit includes five workers responsible for reviewing bookings from the previous night and determining to which court defendants should be sent based on the charges against them.

A few hours later, the indigent verification office begins operation. Defendants seeking court-appointed counsel must file applications with the indigent verification office. While the office processes the applications, judges make the final decision concerning whether a defendant will receive court-appointed counsel and how much that defendant will have to contribute toward his or her defense. Generally, a defendant who qualifies for food stamps will qualify for court-appointed counsel with the amount of contribution depending on that defendant's financial resources and the severity of the charge.

The indigent verification office serves several important functions in addition to processing applications for court-appointed counsel. The office operates a public contact window from which it responds to questions from court visitors, often including family and friends of defendants. The office also "audits" some of the applications for court-appointed counsel, and has found that the vast majority of people are truthful in their applications even when it is not clearly in their interest to be so.

Around 8 a.m., the four Justice Center courts begin the first of their several daily dockets. JCI is one of four community courts in Multnomah County, the first of which began operating in 1998. The community court system serves as an innovative alternative to the usual processing of criminal

cases. Only specified non-violent, non person-to-person offenses are eligible for community court. Common offenses include shoplifting, possession of open alcohol containers, Tri-Met violations and other so-called "lifestyle" crimes.

A defendant eligible for community court elects to remain in the court by pleading guilty to the charge. If a defendant chooses to plead not guilty, his or her case will be set for pre-trial on the regular court docket. Sentences in community court typically include 1-5 days of community service and may also include a social services referral. Most first-time community court cases are dismissed if the defendant completes his or her sentence. If a defendant fails to complete his or her sentence, the defendant will receive a fine or jail time.

In the gallery of JCI, one man is observed slumping over, asleep and faintly snoring. Another mutters under his breath, occasionally laughing at his own remarks. Meanwhile, a woman loudly advises a man sitting nearby to plead guilty. Despite the mild unruliness of the audience, most seem to respect

Judge Evans. Judge Evans is lively with a great sense of humor, yet he sternly and consistently enforces the rules of the court. He reminds defendants to sit up straight, remove hats, turn off cell phones, and keep quiet when it is not their turn to speak. He speaks passionately about self-improvement and the benefits of education. He also expresses genuine interest in defendants, their family, schooling and employment.

A mental health consultant explains that community court provides a more personal experience for most defendants. Judge Evans and most of the staff have worked at the court for years. Consequently, they

Continued on page 12

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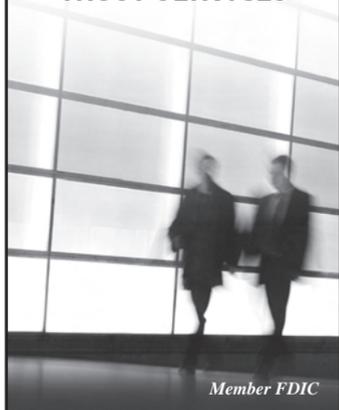
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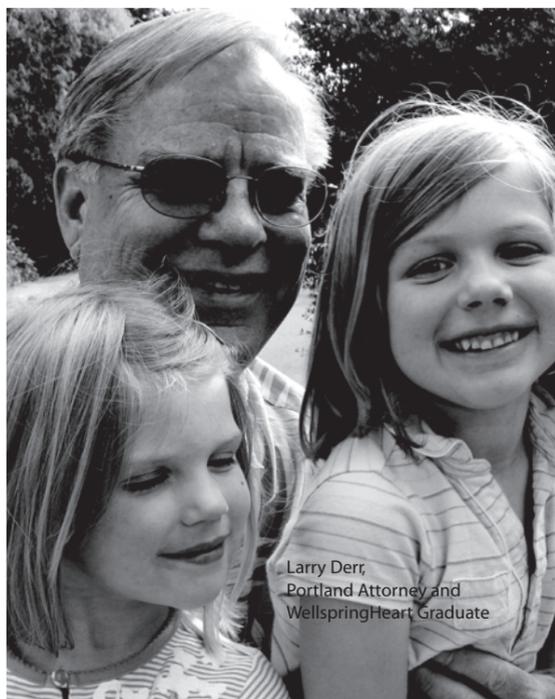
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AROUND THE BAR

SCHWABE WILLIAMSON & WYATT

Carmen Calzacorta, a shareholder, recently joined the board of Associated Oregon Industries (AOI). Calzacorta focuses her practice in the area of corporate law, with an emphasis on securities law compliance, corporate finance transactions, mergers and acquisitions, corporate governance and general business advice. She is the practice group leader of the firm's general business group and co-practice leader of the firm's corporate finance and securities group.

The Hispanic Metropolitan Chamber honored **Román D. Hernández**, a shareholder, with its Outstanding Member Award, for his significant contributions to the Hispanic legal community and time investment to civic and community involvement.

Hernández focuses his practice in the areas of labor and employment law, and business litigation. Additionally, he provides general employment and labor advice related to employment and labor policies and practices to employers of all sizes.

Joyce Wan was recently hired as an associate. Her practice is focused in the areas of labor and employment law and business litigation.



Carmen Calzacorta



Román D. Hernández



Joyce Wan



Sanam "Sam" Dowlatdad, Douglas Green, and Edie Rogoway Van Ness

DOWLATDAD ROGOWAY GREEN

Sanam "Sam" Dowlatdad, Edie Rogoway Van Ness and Douglas Green announce the opening of their new law firm, which represents clients throughout Oregon and Washington, focusing its practice on the areas of personal injury, criminal defense and victim's rights. www.drglawyers.com.



Tate Justesen

STAHANCYK KENT ET AL **Tate Justesen**, upon hearing of his firm's plan to have each attorney take three hours to give away 50 brownies for Valentine's Day, thought first of the homeless. He gathered together his team and headed down to Blanchet House of Hospitality, a Portland homeless shelter, where he helped prepare lunch.



Daniel T. Goldstein

BALL JANIK **Daniel T. Goldstein** is now special counsel in the firm, where his practice focuses on construction law and commercial litigation.

BARRAN LIEBMAN **Nelson D. Atkin II**, a partner, has been selected by The College of Labor & Employment Lawyers as an inaugural member of the Regional Board for the 9th Circuit-North. This new board will play a large role in conducting regional meetings, and act as the liaison between



Nelson D. Atkin II

the college and the local law schools. Atkin's primary area of expertise is traditional labor law representing employers in union organizing, unfair labor practice charges and collective bargaining.



Benjamin Souede

LANE POWELL Gov. Ted Kulongoski appointed **Benjamin Souede** as a public member on the Oregon State Board of Nursing.

Souede concentrates his practice in white collar criminal defense, regulatory compliance and special investigations. His civil law practice includes prosecuting and defending against securities law claims and representing medical device manufacturers.

Lee Nusich, counsel to the firm and chair of the board of trustees for the Naa Amerley Palm Education Foundation, recently spent one month in Ghana working with the foundation to implement a Portland State University program, which will enable students to receive their bachelor's degrees online. Lee also met with a few of the recipients of the "Lee Nusich Scholarship Fund" for the first time at Asheshi University. The fund was named for Nusich as a tribute to his and firm's support, which was instrumental in obtaining funding for the scholarships.



Lee Nusich with scholarship recipients at Asheshi University



Ted Herzog

TONKON TORP

Ted Herzog was named to lead the firm's real estate and land use practice group. The group provides business counsel, transaction and litigation services to clients involved in commercial real estate and renewable energy transactions and development, including purchases and sales, leasing, financing, land use, construction, 1031 exchanges and advising clients regarding environmental liability.



Renee Starr

RENEE STARR

Renee Starr announces the opening of her solo employment law practice, which focuses on employment advice, counseling, and litigation for employers.

LARKINS VACURA

Bill Larkins has recently begun a three-year term on the board of the 1000 Friends of Oregon Foundation, which provides financial support for the work of 1000 Friends. Larkins' practice continues to emphasize



Bill Larkins

representation of financial institutions, businesses and individuals in business disputes and in commercial creditor-debtor matters.



Jeanne Loftis

BULLIVANT HOUSER BAILEY **Jeanne Loftis** has been admitted to the American Board of Trial Advocates. Loftis is chair of the firm's products liability practice. She represents companies in commercial and casualty cases, with an emphasis on asbestos product liability claims and other mass tort litigation.

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.

In Memoriam William D. Scalf



Gresham attorney William Dale Scalf died January 9. He had been battling cancer for the third time. Prior to his death, he lost his first wife, Carol Lee Scalf, and his daughter, Teri Ann Scalf, to cancer as well.

The first thing Bill Scalf told every client who sat down with him in his office was: "Everybody calls me Bill." Bill practiced law in east Multnomah County for 43 years and, for 31 years, headed up the firm of Scalf & O'Halloran. Bill's practice consisted of criminal defense, personal injury and business law. He was the ultimate defense attorney who fought for his clients with passion and skill. He treated everyone with respect, and was well liked by defense attorneys, prosecutors, judges, and their professional staff, in many counties throughout Oregon.

Bill graduated from Northwestern School of Law after working his way through law school as a road deputy for the Multnomah County Sheriff's Office. He immediately embarked upon his long career of representing and defending all of his clients with compassion and zeal. Bill's clients became his friends and he worked with the same law partners and legal assistant for more than 30 years. He was a long-time member of the OCDLA and of OTLA. Bill's compassion, wisdom and sense of humor will be missed by all that knew him.

Tips from the Bench Three Ways to Kill a Good Settlement

By Judge Jerome LaBarre,
Multnomah County Circuit Court.

Not every case settles. But most of them do. In civil litigation, time is money. So the longer you go before settling - the more expensive it becomes. Not long ago I presided over a series of big dollar civil jury cases that reminded me of Benjamin Franklin's tired aphorism "A stitch in time saves nine," i.e. settle early or pay more. In every one of these cases it was obvious to me that if the parties had conferred early and done full and frank settlement exchanges, each case could have settled quickly for a reasonable amount. But once full-scale war erupted it was too late. Soon positions hardened and settlement economics disappeared.

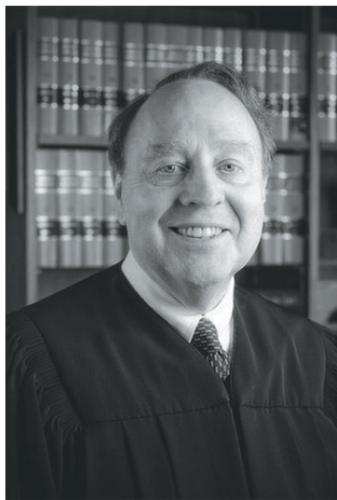
Why is it that some cases just cannot settle until they get to the courthouse steps? Or why do some actually go to a trial that early settlement could have avoided? There are of course myriad reasons. In my experience there are three things which almost always kill early settlements.

1. Don't Give Legal Advice to the Client

Most would consider it strange if an oncologist failed to give a patient medical advice about whether to undergo surgery. A decision on the settlement value of a case - plaintiff's opening demand and defendant's opening offer in a negotiation - also requires sound advice from a lawyer. The plaintiff in a tort case has no more of an idea about what to do than a patient facing a serious medical decision. Yet sometimes attorneys just leave the whole matter of settlement numbers up to the client. Of course the client must make the ultimate decision, but he or she needs good legal advice first. If you abdicate this role, you should expect settlement prospects to disappear.

2. Don't Give Damages Documentation to the Other Side

The courts have heavy dockets of personal injury cases. At



trial without a stipulation the plaintiff will need to prove the reasonable and necessary amount of medical expenses incurred. When the client first comes into the office it will take time for the plaintiff's attorney to collect all of the medical documentation. However, as a case reaches the settlement stage it is essential to obtain all relevant medical records and billings. Perhaps the claimed medical expenses are totally accurate. Yet when the plaintiff's attorney simply expects an insurance company to accept an amount of economic damages on the attorney's word alone, then settlement possibilities quickly vanish.

3. Don't Treat the Other Side with Respect and Professionalism

The bottom line is that all people want to be respected. A good settlement requires meaningful and sincere communication. There are many reasons why professionalism is important. Not the least of which is that it lays the groundwork for a relationship which can ultimately lead to a good settlement. Treating your opponent disrespectfully lets bad emotions dominate the process and kills settlement prospects. Settlement is part art and part science. From what I have seen, the process needs to move forward accentuating the positives and minimizing the negatives. Avoiding these three traps can have a significant impact on obtaining a settlement that will make you smile.



Children at the CourtCare child center



By Chris Howard, Metro Public Defender and Court Liaison Committee member.

Presiding Court Report

Judge Maurer discussed the changes to the filing fee provisions that will go into effect in May as a result of the amendment to ORS 21.110 passed by the legislature's special session. The changes are located in sections 17-48, enrolled HB 3696 (2010). The main change was to ORS 21.110, but there were also amendments to several other fee provisions. These amendments are only technical corrections to chapter 159 Oregon Laws 2009 (HB 2287) and leave in place the current fee amounts and applications that became effective on October 1, 2009.

Judge Maurer discussed latest developments in regard to the east county courthouse:

1. The 1st step, a space program design is completed.
2. The Board of County Commissioners are scheduled to be given a briefing on the space plan and estimated construction cost on April 22. At that time, the board will be asked to approve funding and construction of the new courthouse to serve east county.
3. If approved by the board in April, the current estimated available date for the new facility is February 2012.

Judge Maurer explained to the committee that there is some confusion between the pre-assigning of cases for trial to a judge and designating a case as complex and assigning it to a judge for all matters. Judge Maurer explained that the determination of whether a case is a "complex case" is made at a case scheduling conference with all lawyers in the action attending. These conferences are conducted by her in her chambers. If a case is designated as "complex," a judge is assigned to handle all aspects of the case.

Cases not deemed complex proceed through the normal call calendar procedure. If one of those cases is expected to take more than a week to try, the parties may notify the presiding judge, in writing, of that fact

so that the case can be pre-assigned to a judge. That written notification should come four weeks in advance of the call date. When such a request is received, the chief calendaring clerk will then contact all the parties, by phone, with the name of the judge to be assigned the case. At the time the parties are reached by phone, they need to be prepared to inform the chief calendaring clerk of any challenges to the judge. If they do not indicate that an affidavit is to be filed when called with the assignment, they will not be able to challenge that judge later. Any party that challenges a judge at the time of the phone call must then submit the motion and affidavit within 24 hours.

A judge that is pre-assigned to a case on the call calendar under the "written notice of one-week or more trial" procedure will only rule on trial motions, including motions in limine. All other pre-trial motions must be calendared in the usual manner for pre-trial motions. Judge Maurer explained that this last requirement, concerning pre-trial motions, had an exception in that the parties

were free to try and convince her that the case, or major aspects thereof, was unique enough that, for uniformity of rulings, it was more appropriate to have the trial judge rule on all pre-trial motions presented during period from judge assignment to the trial date, as well as the trial motions. This procedure will be discussed as part of the May 7 judicial brownbag, "Time is of the Essence."

Dana Scheele congratulated Judge Maurer on being awarded the Classroom Law Project's "Legal Citizen of the Year" award at a dinner on April 21 at The Governor Hotel.

The MBA met recently with county commissioners Deborah Kafoury and Jeff Cogen to urge them to support the construction of a new east county court facility and to bring to their attention the structural deficiencies of the downtown courthouse, particularly the fact that it is built with non-reinforced masonry walls, which is similar to the Haiti buildings that collapsed as a result of the recent earthquake. The OSB has formed a task force to study the new filing fees.

Award recipients

*Awards will be presented May 11
at the MBA Annual Dinner*

MBA Professionalism Award
Garry Kahn

MBA Award of Merit
Mark Fucile
Mary Pool

YLS Award of Merit
Collin McKean
Joshua Ross
Slone Pearson

YLS Rookie of the Year Award
Jennifer Woodhouse

Pro Bono Award
Matthew Sorensen
Anne Steiner
Evans Van Buren

Profile – Judge Trish Brown, US Bankruptcy Court

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



Judge Patricia Madi "Trish" Brown

Judge Patricia Madi "Trish" Brown has been a federal bankruptcy judge for the District of Oregon for slightly over a decade, but remains the most junior of the five judges on the court.

Judge Brown was born and raised in Great Falls, Montana. Thanks in part to the efforts of a local Episcopal priest who happened to be a major University of Pennsylvania recruiter, Judge

Brown moved to Philadelphia after high school to attend college. She graduated from Penn in 1978 with a bachelor of science in economics. She subsequently attended the Washington and Lee University School of Law, graduating with a JD in 1981.

After law school, she clerked for Judge Glenn Williams of the US District Court for the Western District of Virginia. Looking to return to her native west to begin her legal career in earnest, Judge Brown moved to Portland in 1982 to take a position as an associate with Spears Lubersky (now Lane Powell). She moved to Farleigh Wada Witt in early 1998, where she practiced until being appointed to the bench. Her private practice focused on bankruptcy work from the beginning, primarily involving representation of institutional creditors and litigation of bankruptcy adversary proceedings. Judge Brown enjoyed bankruptcy practice, preferring arguments over money to arguments over intimate details of litigants' personal lives.

Judge Brown applied for a seat on the bankruptcy court bench in 1994 and again in 1996. She made the short list both times but was not appointed. On her third attempt, in 1999, she succeeded. She was appointed to the bankruptcy court bench by Chief Judge Procter Hug Jr. of the Ninth Circuit Court of Appeals in December 1999.

Judge Brown was active in professional and community service before her appointment to the bench and has remained active. As an attorney, she served as chair of both the Debtor-Creditor Section and the Alternative Dispute Resolution Section of the OSB. She also sat on the board of directors of the National Association of Credit Management, Oregon chapter. She remains an active member of the Executive Committee for the Debtor-Creditor Section of the bar and is an active member of the National Conference of Bankruptcy Judges. She is also a long-term member of the US District Court of Oregon Historical Society and the budget committee of a local

rural fire district. She is an editor of the OSB's two-volume publication *Bankruptcy Law*.

But Judge Brown is not all about the law and public service. She enjoys numerous extracurricular activities. She has been a member of a handbell choir at the First Unitarian Church since 1986, which performs publicly several times a year (and not just at the holidays). She took up fencing about three years ago, inspired by her daughter's embrace of the sport. She is nationally ranked in her age category for foil and epee and attends fencing competitions around the country, sometimes with her daughter, who is a varsity fencer at Brown University. She also finds the time to help care for the four family horses and two hounds.

Judge Brown loves her work as a bankruptcy judge, especially the close collegial relationship she has with the four other Oregon bankruptcy judges. She also appreciates the collegiality and

competence of the relatively small Oregon bankruptcy bar. As far as favorite aspects of the job, she reports that settlement conferences are a rewarding part of her duties. While they can be challenging, they provide a refreshing forum for talking directly with litigants about real problems.

Judge Brown's tips for an aspiring bankruptcy lawyer are simple: if you are trying a disputed matter, think carefully about what elements you need to prove, and make a checklist of all of the evidence you will need admitted to prove each element. Then think carefully *before* the proceeding to map out how you will prove all those necessary elements of your client's case. This process can help the lawyers and the court by keeping the focus on the core issues and by preventing digressions into marginal issues of limited or no relevance.

WinterSmash Raises \$16,000 for CourtCare

By Kathy Maloney, MBA Director, Events and Programs.

What better way to raise money for a good cause than with a night of family fun, bowling competition, raffle prizes and a best bowling shirt competition? On Saturday, February 20, about 350 MBA members and their families participated in the MBA's 8th Annual WinterSmash fundraiser at AMF 20th Century Lanes in Portland.

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

Best team score and the coveted bowling trophy went to Ater Wynne, with their top three

individual scores combined at 534. Bodyfelt Mount won the prize for best shirt, with their "Out of the Gutter Into the Alley" bowling shirts.

The prize winner for best individual score went to Sam Sandmire from Ater Wynne, with a score of 218.

The team with the most players again this year was Harrang Long et al, with 34 bowlers signed up. Barran Liebman also had over 30 bowlers. Ater Wynne, Bodyfelt Mount, Buchanan Angeli, Gevurtz Menashe, Markowitz Herbold Glade & Hehlhaf, Mutnomah

County District Attorneys, National Lawyers Guild and Stoel Rives all had over 20 bowlers each.

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

Thank you to our sponsors and all who participated. Thank you to the Fun Committee for planning WinterSmash: Hwa Go and Eric Meyer, Co-Chairs; David Malcolm and Jeff Matthews. Thank you, Sylvia Stevens and Leslie Kay, for selling raffle tickets at the event.

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See WinterSmash photos at www.mbar.org/gallerywintersmash10.htm.



The Ater Wynne team with their trophy for high team score



The Bodyfelt Mount team showing off their winning bowling shirts



Harrang Long Gary Rudnick bowlers

Pro Bono Spotlight: Erin Fitzgerald

By Benjamin Cox, Associate at Dr. Aaron DeShaw, Esq., PC.

Erin, originally from Olympia, received a BS and BA from Evergreen State College, an MBA from Portland State University and her JD in 2008 from Lewis & Clark. After starting her own practice in December 2008, she found herself with extra time on her hands, and she chose to use that time to take pro bono referrals from Legal Aid and other sources. She quickly found that it was a great way to help the less fortunate while at the same time obtaining real world experience and legal knowledge.

Erin fell into a pro bono niche helping the less fortunate, particularly the elderly. She found that she greatly enjoyed the extended representation cases, rather than the one-and-done

type of pro bono assistance. She is most proud of her work undoing an eviction against an elderly client. When the client had consulted other attorneys almost a year after the fact, they told the client that nothing could be done, but Erin took on the representation and prevailed in the end.

When asked what advice she might have for younger attorneys considering pro bono work, she replied, "Legal aid is a great place to get started. They send out periodic emails with cases so you can self-select those that interest you. They also have a number of attorneys who can help if you run into problems. In addition, the OSB offers the lawyer-to-lawyer referral service for attorneys. Finally, I've found



that the listservs I'm on are extra helpful when I let them know that I'm working on a pro bono case and need help."

In February of this year, Erin joined Case & Dusterhoff, where, in addition to her focus on tenant and consumer representation, she also handles criminal defense, victim's representation, and other plaintiff-side work. She lives in Portland.

The Tides Are Turning on Associate Compensation

By Paul Southwick, Davis Wright Tremaine and YLS Futures Committee member.



Gone are the days of rapid increases in associate compensation. Over the course of the mid-2000s, law firms felt pressure to compete for top associate talent and responded by increasing salaries significantly. New York starting salaries for the largest firms moved from \$125,000 in 2005 to \$160,000 in 2007. Law firms made similar increases in the Portland market, with the highest paying firms topping out first year associate salaries around \$120,000. Law firms, however, no longer treat associate compensation like it's 2007. In addition to implementing salary freezes and reductions, several Portland law firms crafted a new, merit-based framework for determining associate compensation.

In the past, most large law firms used a lockstep model of compensation. Firms paid associate salaries based on seniority, providing automatic, annual salary increases and paid

bonuses largely based on hitting billable hour targets.

In a merit-based model, however, firms compensate associates based on their performance. They utilize a three-tiered structure, designating associates as junior, mid-level or senior associates. Within each tier, salary differences are minimal. To move to the next tier and thereby receive a substantial salary increase, associates need to meet performance expectations. These expectations cover many areas, such as legal writing and analysis, time management, teamwork and community involvement. Similarly, firms will give more emphasis to these discretionary, merit-based factors in determining bonuses.

These changes to the associate compensation model have spawned associate concerns. They are concerned about the vague nature of the performance expectations that now determine their compensation. Ambiguous performance expectations create difficulties for associates who are trying to measure their success or predict their total pay. Moreover, some associates worry that vague performance expectations provide partners a means of reducing associate compensation without explicitly acknowledging it.

Given these concerns, firms should consider incorporating the following three elements into the merit-based compensation

framework: 1) clear, measurable performance expectations, 2) meaningful, routine feedback from partners, and 3) transparency regarding compensation figures. Clear, measurable performance expectations make it easier for associates to focus their efforts, and provide them with a sense of control over their professional development. Meaningful, routine feedback from partners gives associates information about where they are succeeding, where they are failing, and how they are likely to be compensated for their performance.

Additionally, transparency regarding compensation figures enables associates to measure their success and predict their total compensation. Under the new model, associates do not know how much the firm is compensating their peers and consequently, whether their own compensation indicates they are meeting performance expectations. To assist associates with this evaluation, firms could annually publish the high, median and low total compensation for associates in each of the three tiers, an idea already implemented by Orrick, Herrington & Sutcliffe. By comparing their compensation to these figures, associates can measure their success at the firm.

To comment on this article, and continue the conversation, please visit www.mbar.org/YLSFuturesCommittee.htm.



February's Social and Pub Quiz a Success

On February 24, over 30 YLS attorneys gathered to socialize and partake in Pub Quiz Trivia at the Thirsty Lion Pub. Attendees enjoyed food and had fun playing trivia. Two YLS teams finished in the top five in the trivia competition. The YLS Membership Committee, which puts on monthly socials for young lawyers in the community, organized and sponsored this event. A big "thank you" to the Thirsty Lion Pub for hosting and providing great appetizers!



One of three YLS trivia teams at the February social

Annual YLS Judges' Social and CourtCare Fundraiser Coming Soon

The YLS will hold its annual Judges' Social and CourtCare fundraiser on Thursday, April 22 at the offices Schwabe Williamson & Wyatt in the PacWest Center from 5:30-7 p.m. The social is generously sponsored by Tsongas Litigation Consulting and Schwabe Williamson & Wyatt. Please join fellow young lawyers and Multnomah County's federal and state court judges for this casual opportunity to network and socialize.

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

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

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Shyster or Atticus Finch?

By Raife Neuman, Attorney at Law and YLS Service to the Public Committee member.



May 1-7, by volunteering your time to any one of the projects listed below. To volunteer or for more details you may contact the individual coordinator or go to www.mbabar.org/community-law-week.

YOUthFILM Project

The YLS YOUthFILM Project Committee sponsors this project – and it regularly gets rave reviews. The filmmaking contest provides students an opportunity to express themselves creatively, while learning more about our government and justice system. Students enter by producing a short film or video based on this year's theme. Think *Perry Mason meets Space Odyssey 2001*. Top films will be screened for the public at the Hollywood Theatre in northeast Portland on May 6 at 6:30 p.m. Prizes will be awarded at that time by honorary guests, including Oregon Supreme Court Chief Justice Paul J. De Muniz. Please visit www.theyouthfilmproject.org for details. For more information or to attend this exciting event, contact Timothy Crippen at TCrippen@khlaw.com or 503.796.0909.

Legal Information Booths

Informational booths will be set up in various locations in Multnomah County May 1-7. For an hour, perhaps two at the most, you would help direct people towards free or low-cost legal services – but worry not! You are not actually dispensing advice yourself, simply informing people where to go. It's like being a safety guard in elementary school, except you have a JD. And you might be helping someone who was run over by a car, not trying to avoid it. Contact Mary Chandler at mary.chandler@pgn.com or 503.464.7533; Erin Fitzgerald at erin@case-dusterhoff.com or 503.641.7222; or Elizabeth Kafel at elizabeth.kafel@mcda.us or 503.988.3162.

Tell it to the Judge

Join Multnomah County Circuit Court judges at the Lloyd Center Mall on May 1 from 12-4 p.m. and encourage citizens to speak with the judges about their questions or opinions regarding the courts and legal system. Or just show up for the sights ... we'll just say that mall visitors tend to have things to say to people in black robes.

Volunteers are needed to facilitate the public discussion sessions with the judges. Contact Kyoko Wyse at kkw@wysekadish.com or 503.228.8448; or Alex Sutton at asutton@gevurtzmenashe.com or 503.227.1515.

Central City Concern Social

Join us on Thursday May 6, 5:30-7 p.m. in the lobby of the Bank of America Financial Center (121 SW Morrison St.) for a social benefiting Central City Concern's Employment Access Center (CCC EAC). The center assists local individuals on the path to self-sufficiency through employment and prepares them to live productive lives as skilled workers, ready to fill the needs of local businesses. Guests will have an opportunity to learn about CCC EAC's services and ways they can contribute to this successful community program. We are also looking for sponsors for the event – and thank Schwabe Williamson & Wyatt for already contributing a generous donation! Contact Slone Pearson, Hagen O'Connell at spearson@hagenconnell.com or 503.227.2900.

Thank you to Ater Wynne, Barran Liebman, Cosgrave Vergeer Kester, Davis Wright Tremaine, Farleigh Wada Witt, Schwabe Williamson & Wyatt, Stoel Rives, Wyse Kadish, and Yates Matthews & Eaton, who have already committed to sponsoring Community Law Week!

Community Law Week would not be possible without our generous sponsors. It's never too late to become a sponsor or volunteer! If you or your organization is interested in sponsoring this year's Community Law Week, please contact Katherine de la Forest at kdelaforest@hagenoconnell.com or 503.227.2900 as soon as possible to ensure you or your organization are included on the appropriate publicity materials corresponding to your sponsorship level.

And be sure to look for the Community Law Week light post banners in downtown Portland from April 10-May 7. The banners were provided by Barran Liebman and Cosgrave Vergeer Kester.

The lawyer plays a complex role in society's psyche, at times the target of knee-jerk derision, at others a personal savior. Usually it's somewhere in that vast ground in-between; simply another person, working hard to make the best of a bad situation. I would argue that more often than not we lean more towards our inner Atticus, taking on cases or causes because of our innate sense of justice, not for the hope of pecuniary reward. (Although let's be honest ... a reward can help.)

Regardless, we all know that the demand for our services tends to outpace supply. In dire economic times the need only increases while the ability to pay plummets. Indeed, those least able to hire a lawyer are most likely to be taken advantage of. It is with these thoughts in mind that I write to you about Community Law Week.

Community Law Week

Community Law Week is a yearly event brought to you by the YLS Service to the Public Committee. More accurately it is a series of events, the culmination of a year's work and planning by Multnomah Bar volunteers. The events focus on reaching out to underserved parts of our community, educating them on basic legal issues and assisting them in accessing legal resources. The activities center around ABA Law Day, held annually on May 1. The theme for this year's events, and similar activities held around the country, is Law in the 21st Century: Emerging Challenges and Enduring Traditions.

Volunteers Needed

Support from volunteers is critical to the success of several community outreach events held during the week. I hope you will join in this year's celebration of our community, civic education, and the YLS,

PRO BONO VOLUNTEERS

Thanks to the following lawyers and law students, who donated their pro bono services in January and February via the Volunteer Lawyers Project, the Senior Law Project, Community Development Law Center, law firm clinics, the Oregon Law Center, the Nonprofit Project, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark's Small Business Legal Clinic, Children's Representation Project and Attorneys for Youth. To learn more about pro bono opportunities in Multnomah County, check out the Pro Bono Opportunities in Oregon handbook, available at www.mbabar.org/docs/ProBonoGuide.pdf.

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MBA SmackDown - A Debate on the Vanishing Jury Trial

In November of 2009, a committee appointed by Multnomah County Presiding Judge Jean Kerr Maurer examined the reasons behind the decline of civil jury trials in Multnomah County. The report, which is available on the Courts page of the MBA Web site, includes raw data, a summary and recommendations.

The declining use of trials raises questions about our justice system and our society and what, if anything, should be done about it. While some consider the reduced number of jury trials to be a troubling development that threatens the fundamental right of a trial by jury, others see it as a natural evolution of the practice of law to include new forms of

alternative dispute resolution, including collaborative law.

On April 20, MBA will present a noontime debate on collaborative law and the vanishing jury trial. Our distinguished panel of presenters will discuss the value of traditional litigation practice vs. the emergence of collaborative

law. Advocates for both practice approaches will present their perspective, followed by a lively debate. Our distinguished panel includes Judge Janice Wilson, Multnomah County Circuit Court; OTLA's Dana Sullivan, Buchanan Angeli Altschul Sullivan; OADC's Thom Brown, Cosgrave Vergeer Kester; and Mediator Michael Dwyer, Dwyer Mediation Center.

The seminar will be moderated by Carol Bernick of Davis Wright Tremaine and will be worth one hour of CLE credit.

For more information, see the enclosed CLE flyer call the MBA at 503.222.3275.

Justice Center

Continued from page 6

recognize familiar faces and have formed relationships with many defendants. While some defendants frequent the court as a result of untreated mental health problems and lifestyle habits, others come back to report their progress. A former defendant visits every year on the anniversary of her sobriety; Judge Evans always celebrates the occasion.

JC3 and JC4 process misdemeanor and felony arraignments, respectively. In contrast to JC1, these courtrooms are quite serious and formal. A district attorney maintains a desk in the center of each courtroom. A defense attorney stands before a microphone toward the back of each courtroom and confers with defendants in turn. Meanwhile, court staff work quickly at their stations typing, photocopying documents, and quietly placing phone calls. Each proceeding appears quick, efficient and well-choreographed.

By 5 p.m., the courtrooms have emptied. All have left to rest, relax and prepare for another busy day at the Justice Center.

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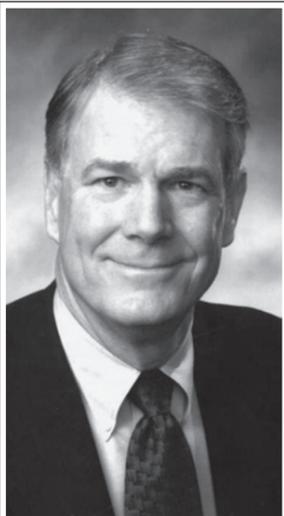
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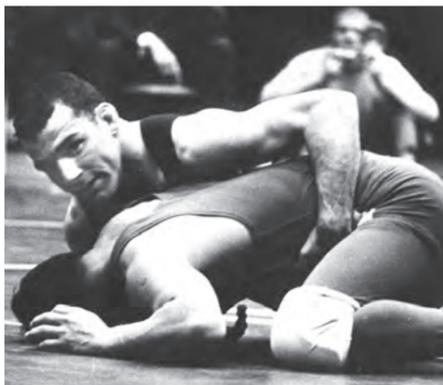
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Interested applicants, please send resume, transcript and a writing sample to gmartin@cvk-law.com. Cosgrave Vergeer Kester LLP, Attn: Gloria Martin, Human Resources Director, 805 SW Broadway, 8th Floor, Portland OR 97205. Fax number: 503.323.9019. All inquiries will be held in confidence.

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EMPLOYMENT LITIGATION ASSOCIATE

2-4 years of experience, Posted March 2010. Contact: Mindy Becker, Human Resources Manager, Ball Janik LLP

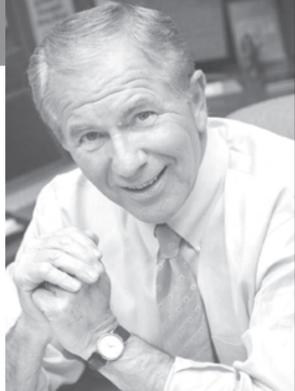
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With eight years experience in intellectual property acquisition and litigation, Elizabeth adds depth to the firm's growing patent and trademark litigation practice. Elizabeth teaches Patent Law and Policy at the University of Oregon School of Law. Her practice will continue to emphasize intellectual property litigation and will also include business dispute resolution and litigation, and securities litigation.



STEVEN C. BERMAN
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Steven returns to Stoll Berne after a professional sabbatical during which he provided advice and counsel to non-profit organizations and political campaigns on elections law matters. With thirteen years of litigation experience, his practice will emphasize complex business litigation and elections law.

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The MBF Celebrates its Fifth Anniversary

By Pamela B. Hubbs, Office and Foundation Administrator.



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April marks the fifth anniversary of the Multnomah Bar Foundation (MBF) - five years of celebrating democracy and promoting civic education in the community.

Gifts given to commemorate a fifth wedding anniversary are the traditional gift of wood, representing strength and a solidified relationship; and the modern gift of silverware, representing connectedness.

In a sense, strength, a solid relationship and connectedness are the MBF's gifts to and from the community.

The MBF is made strong and its relationship to the legal community solidified by the MBA's history of service and the dedication of today's membership to civic education. Connectedness comes through our members' generous support of the 100th Anniversary Gift Fund and Multnomah CourtCare. In turn, the MBF is able to connect to the community and strengthen it through its annual grants program and CourtCare.

Our Mission

The mission of the MBF is to increase the public's understanding of the legal system; to promote civic education, public participation and respect for the law; to improve the quality and administration of the legal system; and to support programs and projects related to the MBF's purpose.

100th Anniversary Gift Fund

Created as a means for lawyers to give back to their community, the 100th Anniversary Gift Fund provides grants to local nonprofit organizations' civic education and participation programs. The fund

was established to commemorate the MBA's century of service to the legal profession and community and has given over \$97,000 in grants.

CourtCare

Through the generous support of the Portland area legal community, the MBF supports the annual operation of Multnomah CourtCare, a free childcare program at the Multnomah County Courthouse. Open to families who have business at the courthouse and cannot afford childcare, CourtCare, a project of the MBA, operated by Volunteers

of America Oregon, serves 80-100 children and their families each month.

Growing

The MBF has dedicated \$50,000 to the development of a new civic education project and is brainstorming ideas with nonprofit organizations. Exciting new opportunities are on the horizon as the MBF enters its sixth year. Please stay tuned!

For more information, visit www.mbabar.org/foundation.htm.

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