



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

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

January 2010 Volume 56, Number 1



Bridge the Justice Gap (We are the (pro bono) egg man)

By Leslie Kay, MBA President.

Recently a Legal Aid client profusely thanked her attorney with the following words: "...And I just want to tell you, thank you so much for helping me. I mean you have done a great deal for me, because now I don't have to live in my van. Everything is working out and like I said, thank you."

The client, I will call her "Hope," is a mobility impaired tenant who lived in an apartment in a building that was in the foreclosure process. Hope had received less than 24 hours notice to move after living in the building for many years. She feared resorting to living in her van with her wheelchair. The landlord had not complied with statutory notice requirements for tenants living in a building in foreclosure. The attorney was able to negotiate additional time and a small settlement for Hope, who subsequently obtained new housing and did not have to live in her van.

Hope is one of the low income Multnomah County residents who obtained legal assistance this past year from the Multnomah County Office of Legal Aid Services of Oregon. She is one of the lucky ones. Due to limited resources, legal aid is able to meet less than 20% of the civil legal needs of the poor. So there are many people like Hope who are unable to get assistance. Pro bono attorneys help us fill the so called "justice gap."

In the past year poverty rates have risen dramatically in Oregon, increasing the number of poor people in need of legal assistance. Due to the recession, there has been a large increase in the number of Oregon families receiving food stamps and Temporary Assistance to Needy Families (TANF). The state has lost over 100,000 jobs since 2007 and claims for unemployment benefits, bankruptcy filings, and the incidences of domestic violence and homelessness have increased. One out of every six people receives food stamps in Oregon. Many newly unemployed learn that the public assistance system does not have much to offer in a time of recession.

For many years MBA members have been actively supporting legal assistance projects with their time and money. With the recession, law firms have delayed the hiring of new associates and summer associates. Some of these unemployed lawyers and deferred associates are now contributing to the pool of pro bono attorneys. Pro bono opportunities are listed in the so called "red book" linked to the MBA Web site at: www.mbabar.org/docs/ProBonoOppsMultCo.pdf.

Pro bono opportunities include representation in contested cases or in transactional matters, brief advice or extended representation. Every January, we devote an entire issue of the *Multnomah Lawyer* to recognize these efforts and to provide information to new potential volunteers. Inside the newsletter this month you will find additional

information about pro bono opportunities in law firm settings, at the courthouse and in senior centers. The unmet need for legal services remains acute.

The MBA's Pro Bono Pledge seeks to dramatically increase access to justice by calling on attorneys to commit to at least one pro bono matter per year. Law firms are asked to adopt a written pro bono policy and to encourage participation in the individual pledge. Both are asked to financially support legal service organizations of their choice. All attorneys are encouraged to "Take a Matter that Matters." Please join the more than 179 lawyers and 40 law firms that have taken the pledge.

Last year at this time MBA President Michael Dwyer invoked the words and images of John Lennon and Paul McCartney - the pro bono "walrus" - and appealed to our basic competitive nature as lawyers to entreat all of us to "take a matter that matters." I would suggest that we lawyers are in fact, in the words of that enigmatic song, actually the altruistic "egg man." The legal community is in a position to deliver great gifts to those who can't afford its services and to make good on our shared aspiration of making justice accessible to all.

Legal Aid Services of Oregon received the following message recently from one of our clients served by a pro bono attorney in a garnishment matter:
[My pro bono attorney] was very nice and helped me with my legal issue in full. Everyone involved was very nice and helpful ...very helpful to fill out papers that needed to be filled out. I did not know how to do it ... thank you for having such a great program. It helped ... I cannot afford an attorney.

Koo koo kachoo.

Enjoy this special Pro Bono Issue.

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. The slate of candidates and the ballot insert will be included in the March issue of the *Multnomah Lawyer*.

The bylaws also allow 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 Wednesday, February 10, in the MBA office. Ballots will be included with the March newsletter; they will be due to the MBA office by 5 p.m. on Thursday, April 1. Winners will be officially announced at the MBA Annual Meeting on Tuesday, May 11.

MBA CLE

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

January

Tuesday, January 12
The State of Banking in Oregon: What You and Your Clients Should Know
Breakfast class, from 8-10 a.m.
MaryAnne Frantz
Dick Renken
Marc Williams

Wednesday, January 20
Common Contract Pitfalls and How to Avoid Them
Brad Thies
Greg Brown
John McGrory

Tuesday, January 26
Transition Planning: Preparing the Family Business for the Future
Amy Apiado
Gwen Griffith

Wednesday, January 27
Clark County Update
Judge Barbara Johnson
Don Jacobs

February

Wednesday, February 3
Washington and Clackamas Presiding Courts Update
Judge Thomas Kohl
Judge Steven Maurer
David Aman

Wednesday, February 17
Annual Family Law Update
Judge Nan Waller
Tom Bittner
Gary Zimmer

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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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Member Resource Center

Welcome to the member resource center, where you will find information of importance to members and the legal community at large.

COURTHOUSE WATCH

(This regular feature provides MBA membership with current information about the efforts to provide citizens with safe and efficient access to justice.)

Currently, the county has no plans to move forward with the planning of a new downtown courthouse. The idea of studying the renovation of the courthouse during operations has been tabled.

Multnomah County Commissioners approved \$800,000 for the schematic design of an east county court building significantly smaller in size and budget to the one proposed in 2008. The real test comes in April 2010 when the commissioners vote on building vs. leasing space for the east county courthouse.

For more information about past courthouse reports, studies, photos of the downtown Multnomah County courthouse and other court-related information, go to www.mbabar.org/courts.htm.

Pro Bono Opportunities and Events

Join us for an evening of fine wine and edible delicacies while supporting an important community project. The Young Lawyers Section Pro Bono Committee is hosting its annual Wine Fundraiser Wednesday, February 10 from 6-8 p.m. at Square Deal Wine Company in NW Portland. Tickets are \$50 and include a sampling of food and wine. Registration proceeds will support the Domestic Violence and Juvenile Rights handbooks published by the YLS. See the enclosed flyer for more details or contact Ryan Mosier at 503.222.3275.

The National Crime Victim Law Institute (NCVLI), a nonprofit legal organization affiliated with Lewis & Clark Law School, works to promote the thoughtful development and advancement of victim law on a national level. Pro bono opportunities are not limited to direct representation of crime victims in the criminal justice system - your help is also needed to serve as local counsel, conduct legal research, and represent crime victims in related civil proceedings. Most importantly, you don't need experience with victim law to help, as staff will train you to represent crime victims. For more information or to volunteer please contact NCVLI at ncvli@lclark.edu, or 503.768.6819.

NEW! Downloadable CLE Seminars

Audio recordings of our past CLE seminars are now available for download and use on your personal computer or MP3 device. Simply purchase online and download the audio and written materials in minutes. MCLE-accredited content includes Child Abuse Reporting, Multnomah County Judges Trial Practices, and Ethics Update, among others. Visit the MBA's dedicated MCLE Web site at www.oregonCLE.com for more details.

MBA Member Discounts

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In addition to publishing classified ads in the *Multnomah Lawyer*, the MBA now posts all classifieds at www.mbabar.org. To obtain a quote, email your ad text to Carol Hawkins at carol@mbabar.org.

CALENDAR

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

January

5 Tuesday, MBA Board meeting

7 Thursday, YLS Drop-in Social at Touché

8 Friday, February Multnomah Lawyer deadline

12 Tuesday, YLS Board meeting

Tuesday, MBA CLE State of Banking in Oregon
See insert or register at www.mbabar.org.

18 Monday, Martin Luther King holiday – MBA closed

20 Wednesday, MBA CLE Common Contract Pitfalls
See insert or register at www.mbabar.org.

21 Thursday, YLS Young Litigators Forum CLE Series begins
See insert or register at www.mbabar.org.

23 Saturday, American Leadership Forum on Oregon's tax system, 1-4 p.m. Go to www.alfo.org for details.

26 Tuesday, MBA CLE – Preparing Family Business for the Future
See insert or register at www.mbabar.org.

27 Wednesday, MBA CLE – Clark County Presiding Court Update
See insert or register at www.mbabar.org.

31 Sunday, Portland Center Stage presents *Snow Falling on Cedars*, followed by MBA sponsored discussion
Visit www.mbabar.org/calendar.htm for details.

February

2 Tuesday, MBA Board meeting

3 Wednesday, MBA CLE Washington/Clackamas Presiding Courts Update
See insert or register at www.mbabar.org.

7 Sunday, Portland Center Stage presents *The Receptionist*, followed by MBA sponsored discussion
Visit www.mbabar.org/calendar.htm for details.

9 Tuesday, YLS Board meeting

10 Wednesday, March Multnomah Lawyer deadline

15 Monday, Presidents Day MBA closed

16 Tuesday, Campaign for Equal Justice Annual Luncheon
Visit www.cej-oregon.org for details.

17 Wednesday, MBA CLE Annual Family Law Update
See insert or register at www.mbabar.org.

20 Saturday, MBA WinterSmash at 20th Century Lanes
See p. 5 for details. Register via insert.

LETTERS to the EDITOR

Dear Leslie:

Thank you for your article/interview with Goldberg. It is absolutely wonderful to see him and his wonderful work profiled. I enjoyed it not only because I think so highly of Steven, but also because it's so encouraging to see a profile of a private practice social justice lawyer, with discussion of the role of law in the larger social justice movement. It often feels like the MBA is dominated by big firm and insurance defense lawyers, so it's really refreshing to have him and this story on the front cover. Thank you Thank you Thank you!

J. Ashlee Albies

I very much enjoyed this article not just because it highlighted the work of a fine lawyer (who, in the interest of full disclosure, is a friend of mine) but because I like the idea of having interviews with MBA members as a regular newsletter feature. Please consider doing this on a regular basis.

Philip Hornik

Leslie,

I very much liked your column about Steven Goldberg.

Richard Vangelisti

2010 MBA Pro Bono Pledge

The MBA's Pro Bono Pledge seeks to dramatically increase access to justice by asking attorneys to commit to taking at least one pro bono matter in 2010. Law firm signers are asked to adopt a written pro bono policy and to encourage participation in the individual pledge. Both are asked to financially support legal service organizations. Learn more and sign the Pro Bono Pledge at www.mbabar.org/probono.htm.

Third Annual

Pro Bono Fundraiser

Wednesday, February 10, 2010
Square Deal Wine Company
2321 NW Thurman Street, Portland

Please join us for an evening of great wine, great food, and to support an important local project!

The Pro Bono Committee of the Multnomah Bar Association Young Lawyers Section invites you to mix business and pleasure. Buy your tickets now for our third annual fundraiser.

What: An evening of fine wines and edible delicacies. Mingle and sample a variety of food and wine while supporting an important community project.

Where: Square Deal Wine Company, 2321 NW Thurman Street, Portland, Oregon 97210.

When: Wednesday, February 10, 2010, from 6-8pm.

Cost: Tickets are \$50 per person and are available by contacting the Multnomah Bar Association at 503.222.3275. Pre-payment by credit card or check is required by February 5.

Registration proceeds will support the Pro Bono Domestic Violence and Juvenile Rights handbooks published by the Young Lawyers Section.

mbabar.org/YLSevents.htm

Ethics Focus

By Mark J. Fucile, Fucile & Reising.

Five years with the RPCs - A look back and a peek ahead



Five years ago this month, the Rules of Professional Conduct (RPCs) replaced the Disciplinary Rules (DRs). The OSB also updated its influential formal ethics opinions later in 2005 to reflect the new RPCs. In this column, we'll take a look back at those changes and a look forward at what developments are brewing both locally and nationally.

Looking Back

Oregon had been using the DRs since 1970 and was one of the last states to move to regulations based on the ABA's Model Rules of Professional Conduct. Despite our long tenure with the DRs, one of the most reassuring aspects of the transition is that the essential substance of our professional obligations didn't change even though the form of the rules did. For example, although the RPCs frame conflict waivers in terms of "informed consent" rather than "full disclosure" as used in the DRs, the practical similarity in the concepts readily outweighed any semantic differences. Even where the RPCs contained new rules that had no direct counterparts under the DRs, such as duties to prospective clients under RPC 1.18 and the entity client rule under RPC 1.13, the concepts contained in those new rules generally reflected broad tenets already a part of Oregon law and practice.

That's not to say that the change to the RPCs was not a very significant development. Oregonians have a well-earned tradition of going our own way - from not pumping our own gas to not having expert discovery in state court. But, in an era when our practices increasingly cross state lines (both physically and electronically), having a relatively common set of professional rules is of great practical benefit. Further, even if our practices don't take us beyond Oregon, having the additional clarity of "black letter" rules in key areas, such as the prospective and entity client provisions just noted, makes it easier for all of us to understand our obligations.

Looking Forward

As we move ahead with the RPCs, we are likely to continue to see incremental, rather than wholesale, change. The Supreme Court's order adopting the RPCs five years ago contained a transition rule that continued to apply the old DRs to conduct

occurring before January 1, 2005. That, in turn, meant that the court only began issuing decisions based on the RPCs relatively recently. The initial decisions from the court applying the RPCs reflect more conceptual continuity than major differences with their predecessors applying the DRs. When Oregon adopted the RPCs in 2005, the revisions did not contain official comments to the new rules as roughly 40 other states have based on the comments to the ABA Model Rules.

Last year the OSB approached the Supreme Court about the possibility of adding comments to our rules, but the court suggested deferring consideration of comments for now. Similarly, potentially far-ranging changes to the advertising rules were tabled last year by the Board of Governors in favor of case-by-case development in view of the controlling role that constitution law (both state and federal) plays in this area. Both the decisions interpreting the RPCs and potential amendments to the rules that we are apt to see in the next five years, therefore, will likely be evolutionary rather than revolutionary.

At the same time, law practice will continue to be influenced by the broader economic and technological trends that affect us all with increasing speed. For instance, Oregon became a leader in reciprocal admissions when it partnered with Washington and Idaho in 2002 to permit integrated regional reciprocity.

Although that early initiative now seems modest compared to more recent developments (regionally, nationally and internationally), it is a good example of how law practice has been shaped by broader economic trends that, to borrow a phrase from *New York Times* columnist Thomas Friedman, have made the world "flatter." Similarly, the rapid changes in technology over the past two decades have altered law practice in ways large and small.

On occasion, the changes in technology have led directly to rule changes - such as the amendments to the federal procedural and evidence rules we saw in the past decade reflecting the increasingly central role of electronic discovery. More often, however, we will continue to be

Continued on page 12

ANNOUNCEMENTS

ProtectOregonCourts.org

The MBA announces a new Web site dedicated to improving the public's understanding of the judicial system, preserving the impartiality of the judiciary and opposing attempts to threaten our judicial system, undercut resources to the judicial branch and reduce access to justice for all citizens. Please visit www.ProtectOregonCourts.org and send your comments to Judy Edwards, MBA Executive Director, judy@mbabar.org.

Bullivant Houser Bailey Announces 2010 Diversity Fellowship Program

The firm announces its 2010 Diversity Fellowship Program, which provides two first-year law students with salaried summer associate positions, and a \$7,500 stipend for use during the student's second year of law school. For details, please contact Jill Valentine at jill.valentine@bullivant.com.

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.

Oregon Hispanic Bar Association Annual Dinner

The organization's annual award dinner is Friday, February 26 at the downtown Hilton at 5:30 p.m. For more information, please email japarker.oregon@gmail.com.

Oregon Women Lawyers Announces Roberts-Deiz Award Winners

Oregon Women Lawyers (OWLS) announces the recipients of the 2010 Justice Betty Roberts and Judge Mercedes Deiz Awards, honoring individuals who promote women and minorities in the law. Sarah J. Crooks, a former OWLS president and board member, has been selected to receive the Justice Betty Roberts Award, and Oregon's First Lady, Mary Oberst, will receive the Judge Mercedes Deiz Award. The award recipients will be honored at the 18th Annual Awards Dinner on March 12 at the Governor Hotel in Portland.

Sarah J. Crooks has commonly been described as a "tireless advocate for the advancement of women in the legal profession." She is a role model and mentor to women attorneys in her firm, Perkins Coie LLP. She founded, chaired, and/or served on numerous committees focused on the promotion of women in her

firm and legal community. Crooks served on the OWLS board from 1998 to 2004 and was president from 2003 to 2004.

Her leadership activities also include serving on the Owen Panner Inn of Court Executive Committee, OSB Diversity Section Executive Committee, MBA Board of Directors and the CEJ Board of Directors. Crooks is a volunteer attorney for the Domestic Violence Project at Legal Aid Services of Oregon and has provided pro bono representation to more than 20 domestic violence victims since 2002. She has set an example for women lawyers on the national level by serving on the Board of the National Conference of Women's Bar Associations since 2004 and is currently serving as president of that organization.

First Lady Mary Oberst is a steadfast champion of diversity in the legal profession and works

tirelessly for equality for all citizens. The First Lady is a staunch supporter of the OSB Affirmative Action Program, and a champion of Opportunities for Law in Oregon (OLIO), an orientation program designed to recruit and retain minority law students in Oregon.

She is also active in the OMLA. All who have been touched by her hard work and devotion have described her as a humble yet effective and passionate advocate for minority attorneys. First Lady Oberst also has a deeply held commitment to equal access to legal services for all communities, especially underprivileged and underrepresented communities.

She has been involved in the CEJ since its inception and has made access to justice one of her top priorities.

Happy New (Membership) Year!

Thank you for being a member. If you have yet to renew for 2010, simply take a few minutes to register online at www.mbabar.org.

Here are just a few reasons to continue your membership:

- **MCLE-accredited content, anytime, anywhere:** MBA CLE seminars cover a wide range of practice areas while downloadable audio recordings provide instant access to a library of past courses.
- **Committees and social events:** Participation in groups such as the

Professionalism or Court Liaison committees benefit the community and legal field and provide good networking opportunities.

- **Comprehensive insurance benefits:** MBA membership provides access to group health insurance, dental, vision, life, long-term care and disability plans.
- **Exclusive member services:** Members receive discounts from LexisNexis, Legal Northwest, Office Depot, Bank of the Cascades, The Naegeli Reporting Corporation and others.

- **Stay connected with the legal community:** Resources such as the *Multnomah Lawyer*, the e-newsletter and the Web site keep you up-to-date with news, events, online forums and a member directory.

If you would like more information about the benefits of MBA membership, please call 503.222.3275 or visit www.mbabar.org. We look forward to serving you in 2010.

WinterSmash Benefits Multnomah CourtCare

By MBA Fun Committee members.

The 8th Annual WinterSmash is slated for Saturday, February 20 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 kickoff of fundraising efforts for Multnomah CourtCare. We thank Harrang Long Gary Rudnick for sponsoring the food and beverages.

CourtCare, a project of the MBA, is operated by the Volunteers of America-Oregon (VOA). Tax deductible donations may be made to the Multnomah Bar Foundation. Additional funding comes from the Oregon Judicial Department, Multnomah County and federal court.

The program 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 licensed drop-in childcare center for children and infants. CourtCare, which opened in 2001, 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.

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 by ensuring that the court provides a fair legal process without undue distractions.

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 \$15 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 (computed based on top three scores, with only one score from each player counting). Raffle tickets will be for sale. The event promises to be a good time; don't miss this opportunity! Register via the insert in this issue of the *Multnomah Lawyer*.



Gearing, Rackner & Engel, LLP 2009 WinterSmash team



Harrang Long Gary Rudnick PC won the Big Lebowski award for having the most players at last year's WinterSmash

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Q & A with Matthew Runkle New Volunteer Attorney

Due to the economy, starting a legal career can be challenging for recent graduates. Many, like February 2009 admittee Matthew Runkle, turn to volunteering for pro bono projects.

Tell us about your background.

I have a B.S. in Business Management/Labor Relations and spent 13 years as a union worker and team leader for Chrysler. After earning my J.D. in 2007, I took a management position in Beaverton. In 2008, my position at Chrysler was eliminated due to corporate downsizing, so I took the Oregon bar in February 2009. Since then I have been volunteering, networking, job searching and doing contract work.

How did you start volunteering?

Shari Gregory and Mike Long, of the OAAP - Lawyers in Transition Group suggested that I volunteer and do informational interviews to get to know the local legal community.

Where do you currently volunteer?

I represent domestic violence survivors in contested restraining order hearings through the Domestic Violence Project of Legal Aid Services of Oregon. After attending a CLE on the representation of immigrants in low wage cases, I accepted a pro bono wage and overtime case. In addition, I also volunteer for St. Andrew Legal Clinic and the Classroom Law Project.

What are the potential obstacles to volunteering for new, unemployed attorneys?

PLF coverage, the lack of resources, experienced colleagues for mentoring, access to legal research, and the lack of experience. Having no PLF coverage, I sought out pro bono programs certified by the OSB. Training materials specifically developed for volunteers were very helpful. To prepare for my first restraining order hearing, I watched a taped CLE about representing survivors of domestic violence on the Legal Aid Services of Oregon (LASO) volunteer Web site, read the court bench guide about the Family Abuse Prevention Act, watched a few hearings, and brushed up on the rules of evidence. I took the wage claim case only after I attended a CLE on that issue. Lacking a business office, I met with my pro bono clients at the LASO and Oregon Law Center offices. The staff members at both organizations are available for questions and mentored me along the way. Those organizations also provided interpreters when needed. For legal research, I used the OSB's online resources and became well acquainted with the Multnomah County Library.

What are the advantages of volunteering as a new attorney?

Volunteering is a way to become active in the local legal community, take advantage of free CLEs, be exposed to a variety of areas of law and obtain legal experience. I have been able to represent clients in court, negotiate with opposing counsel and develop client interviewing and counseling skills. Along the way, I learned the personal rewards of volunteering, including providing assistance to vulnerable clients who are very grateful for my help. No matter where my career takes me, I am confident enough to make a long-term commitment to volunteering.

The Corner Office

With the New Year comes a period of reflection on the previous year, as well as a time for setting goals for the upcoming year. With the economy still in recovery, many of us continue to watch as our neighbors, friends and even our own colleagues struggle. The holidays are time of giving, and so it is also an appropriate time to think about the gift we can give all year - pro bono service to those who are unable to afford the cost of legal services. Another way to help satisfy the need in our state is to give generously to organizations committed to providing legal services to our most vulnerable populations.

The MBA's commitment to professionalism commits us to working to support the effectiveness and efficiency of the legal system. That means that access to our legal system is protected, even for those who cannot afford to pay for it. Providing access to our system enables Oregon's poorest citizens to defend their rights, protect their families and secure the benefits to which they are entitled. When we provide greater and equal access to the legal system, the integrity of our profession benefits.

Pro bono service is one way in which we can fulfill our responsibility to our communities and our profession. While provision of pro bono services is entirely voluntary in our state, many

MBA members have traditionally supported pro bono legal services. MBA members support pro bono with their time and also with generous contributions to organizations such as the Campaign for Equal Justice (CEJ) and St. Andrew Legal Clinic (SALC). MBA lawyers and law firms have signed the MBA's Pro Bono Pledge to take one legal matter each year that helps a person of limited means or an organization serving persons of limited means. Our lawyers' commitment is evident in the numerous hours and dollars donated by individual lawyers and law firms.

Yet we still are not meeting the need in our state. Providing pro bono legal services is not enough. More than 700,000 Oregonians qualify for legal aid services, because their income levels are at or below 125 % of the federal poverty level. Although the CEJ successfully raised over a million dollars last year, still Legal Aid Services of Oregon (LASO) and Oregon Law Center were able to meet just 20% of the legal needs of these Oregonians.

About 40% of LASO's clients come for family law services and many of those cases involve domestic violence. About 80% of LASO's clients are women. SALC helps fill the gap between legal aid and private attorneys, but is still only able to meet a fraction of the need. Over 80% of SALC clients have incomes below the Federal Poverty Guidelines and nearly 70% of

SALC client are women and 36% are minorities. Recent studies show that access to legal services is critical to the process of ending domestic abuse. Financial contributions to SALC and the CEJ provide greater access to justice than just pro bono service alone.

This year, as you think of your goals for 2010, think about how you can commit to your profession by committing to pro bono. Sign the MBA Pro Bono Pledge and take on a pro bono client in 2010. Give generously to the CEJ and SALC. Volunteer your time and resources for a nonprofit board or committee. Use a Leadership Bank for your IOLTA account. Understand how legal aid services are funded and delivered in your community. Think about adding this list to your New Year's resolutions. Happy New Year!

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.

NEW ON THE SHELF

By Jacque Jurkins, Multnomah Law Librarian.

PRIVATE EQUITY FUNDS:

Formation and operation, by Stephanie R. Breslow and Phyllis A. Schwartz. Published by the Practising Law Institute, 2009. (KF 1078 B74)

THE COMPLETE QDRO

HANDBOOK: Dividing ERISA, military, and collecting child support from employee benefit plans, 3rd ed. by David Clayton Carrad. Published by the ABA Section of Family Law, 2009. (KF 3512 C37 2009)

ESTATE PLANNING FORMS

by L. Rush Hunt. Published by the ABA General Practice, Solo & Small Firm Division, 2009. (KF 748.1 H86)

THE LAW OF TRUSTEE

INVESTMENTS by Christopher P. Cline. Published by the ABA Section of Real Property, Trust & Estate Law, 2009. (KF 730 C55)

EFFECTIVELY STAFFING

YOUR LAW FIRM edited by Jennifer J. Rose. Published by the ABA General Practice, Solo & Small Firm Division, 2009. (KF 318 E44)

PARTNER DEPARTURES AND

LATERAL MOVES: A legal and ethical guide by Geri S. Krauss. Published by the ABA Law Practice Management Section, 2009. (KF 206 K73)

THE LITTLE WHITE BOOK

OF BASEBALL LAW by John H. Minan and Kevin Cole. Published by the ABA, 2009. (KF 3989 M55)

A LAWYER'S GUIDE TO

DANGEROUS DOG ISSUES edited by Joan Schaffner. Published by the ABA Tort, Trial & Insurance Practice Section, 2009. (KF 390.5 D6 L39)

FEDERAL JURY PRACTICE

AND INSTRUCTIONS: Civil companion handbook, 2008/09 by Kevin F. O'Malley, Jay E. Grenig and William C. Lee. Published by Thomson/West, 2008. (KF 8984 O53a)

FEDERAL JURY PRACTICE

AND INSTRUCTIONS: Criminal companion handbook by Kevin G. O'Malley. Published by Thomson/West, 2008. (KF 8984 O53b)

PREPARING WITNESSES: A

practical guide for lawyers and their clients, 3rd ed. by Daniel I. Small. Published by the ABA General Practice, Solo & Small Firm Division, 2009. (KF 8950 S63 2009)

INJUNCTIVE RELIEF:

Temporary restraining orders and preliminary injunctions by Kirstin Stoll-DeBell, Nancy L. Dempsey and Bradford E. Dempsey. Published by the ABA Section of Litigation, 2009. (KF 9014 S76)

CALAMARI AND PERILLO

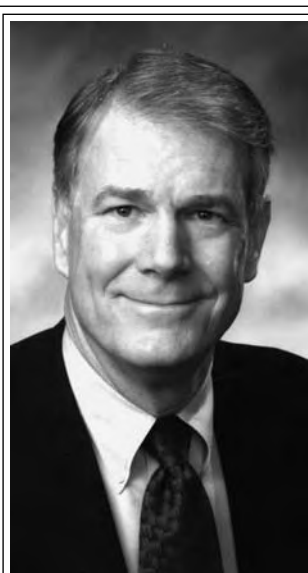
ON CONTRACTS, 6th ed. by Joseph M. Perillo. Published by Thomson/West, 2009. (KF 801 C34 2009)

LAW OF COMPUTER

TECHNOLOGY: Rights, licenses, liabilities, 4th ed. by Raymond T. Nimmer. Published by Thomson/West, 2009. (KF 390.5 C6 N55 2009)

ENVIRONMENTAL

LITIGATION: Law and strategy edited by Cary R. Perlman. Published by the ABA Section of Environment, Energy, and Resources, 2009. (KF 8925 E5 E58)



PRACTICE LIMITED TO MEDIATION

Jeffrey Foote Mediation

Resolving issues relating to:

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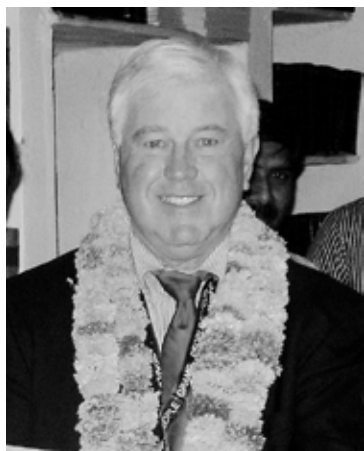
Business & Commercial Disputes

Employment Disputes

Construction Defects

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www.footelaw.com

AROUND THE BAR



William Gibson

WILLIAM GIBSON

William Gibson recently won a writing award given by the ABA and Edge International. The award was presented at the ABA Annual Meeting in Chicago and was for an article entitled "Outsourcing Legal Services Abroad." It appeared in the July/August 2008 issue of the *ABA Law Practice Magazine*.

In November 2008, Gibson led a delegation of lawyers to India to meet with Indian law firms and legal outsourcing firms.



Richard Funk

DUERST & FUNK

Richard Funk, formerly of Gevurtz Menashe et al, relocated to Bend, where he formed a partnership with long-time Bend Family Lawyer Jon Duerst. The new firm is Duerst & Funk, LLP and is located at 835 NW Bond St., Bend, Oregon 97701. Richard may be reached at 541.383.3200. The firm will continue to specialize in family law issues only.



Robert D. Newell

DAVIS WRIGHT TREMAINE Portland-based Mercy Corps, one of the world's leading relief and development organizations, recently recognized firm partner **Robert D. Newell** with its highest honor and only award, the 2009 Humanitarian Hero Award for his 30 years of service to the organization and the communities it supports.

"It is an honor to celebrate someone who has been at the heart and soul of Mercy Corps for as long as any of us can remember," said Keny-Guyer. "He was there at our original tiny office on SW First Ave.; he helped lead us to our new headquarters in Old Town; and he has been a rock during some of our most challenging times."

Newell is an active participant in Mercy Corps, both in their offices in Portland and with their teams in underserved countries around the world.

Newell serves on the board of directors for Mercy Corps, where he's contributed in many roles – including as chair – since joining the board in the early 1980s. He provides essential pro bono legal services to the organization and inspires many of his colleagues at Davis Wright Tremaine to do the same.

Overseas, however, is where Newell has made his most significant "hands-on" contributions. He has visited most of the countries Mercy Corps works in – spanning hundreds of field projects in dozens of countries to bring appreciation and encouragement from the board to the teams in the field.

In addition to his work for Mercy Corps, Newell maintains an active litigation practice at Davis Wright Tremaine, which includes extensive trial experience and expertise in Oregon and federal procedure.



Heather Van Meter

WILLIAMS KASTNER Attorneys **Heather Van Meter** and **Marc Carlton** have been elected as members of the firm.

Van Meter focuses her practice on litigation with an emphasis on drug and medical device, product liability, and other complex cases. Carlton has a legal practice in civil litigation with an emphasis

in defending transportation, liquor liability and products liability cases.



Melanie Marmion

FITZWATER MEYER

Melanie Marmion has rejoined the firm after working at a law firm in New Jersey for the last several years. She will handle estate planning and administration, including planning for high-net worth clients, complex trust administration, preparation of estate tax returns and planning for people with special needs.



Eva M. Marcotrigiano

EVA MARCOTRIGIANO

Eva M. Marcotrigiano joined The Travelers Companies, Inc. as staff counsel in its Lake Oswego office. She will continue to focus on construction defect litigation in Oregon and Washington.



Amanda R. Guile

BATEMAN SEIDEL ET AL **Amanda R. Guile** has joined the firm as an associate attorney in litigation.

FARLEIGH WADA WITT **Mark Wada** has been elected president of the firm, effective January 1. Wada is a founding shareholder and has served in several management positions, including president from 1990



tbrown@cvk-law.com

THANK YOU, THOM!

Your partners at Cosgrave Vergeer Kester LLP applaud your 15 years of leadership as Managing Partner.

Beginning January 1, 2010, Thom will return full time to his practice, which focuses on civil appeals, insurance coverage opinions and litigation, and professional liability defense. Thom can be reached at tbrown@cvk-law.com or (503) 323-9000.

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CVK

MBA 8th Annual wintersmash

A Family Friendly Bowling Event
Saturday, February 20
6-9 p.m.

20th Century Lanes
3350 SE 92nd
10 minutes from downtown Portland
A Multnomah CourtCare fundraiser

See insert
and page 5
for details.



Mark Wada

LANE POWELL

In a nationwide survey conducted by ALM Media and published in *Marketing the Law Firm*, **Lane Powell** has been ranked 11th among the Top 50 Law Firms in Marketing and Communications.

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.

through 1993. Prior to his second election as president, he served on the executive committee and will continue to serve on the 2010 management committee with **David Ludwig**, **Tara Schleicher**, and **Brad Stanford**. Mark assumes the role of president from **Dean Sandow**.

Tips from the Bench Family Law Pro Bono Projects at Courthouse

By Judge Maureen McKnight, Multnomah County Circuit Court.

Two projects at the Multnomah County Courthouse provide pro bono assistance in the family law arena. One focuses on children and the other on parents and other adult litigants but both have the strong support of the bench and bar. These programs are currently helping almost 200 individuals each year.

The court's **Children's Representation Project** has been operational for approximately nine years. It is administered by Judge Susan Svetkey and results in the appointment of attorneys to represent over 100 children annually in child custody and parenting time disputes. Requests for appointment come from multiple sources and are routed to Judge Svetkey's staff who, after notice to the parties, contact volunteer attorneys about their availability given the status of the case, any scheduled hearing dates, and possible conflicts of interest.

An order of appointment is then signed and copies of relevant documents forwarded to the lawyer. Eighty-five attorneys are currently on the list of volunteers.

Sometimes the representation involves the first decision about custody or parental access; other times the case involves modification issues.

Sometimes one or both parents are represented but often neither parent has an attorney. Most of the cases settle, and on terms that focus on the children's best interests rather than the parents'.

Lawyers who take on these cases say they thoroughly enjoy the role and the chance to help out children in difficult situations. Many of the attorneys in the project attend and benefit from training on legal and child developmental issues sponsored by the nonprofit Child Centered Solutions, 503.546.6383, www.childcenteredsolutions.org.

With high numbers of parents unable to afford attorneys and the poor economic times increasing stress in families, the bench anticipates continued growth in the need for volunteers. The involvement of newer attorneys as well as experienced practitioners is welcome. For



more information or to sign up to accept appointments, attorneys can contact Judge Svetkey's Judicial Assistant, Brandy Jones, at 503.988.3060.

The Pro Se Assistance Project started in 2003 and places volunteer attorneys in afternoon clinics at the courthouse to assist self-represented litigants with family law forms and advice.

The program is administered by Legal Aid Services of Oregon (LASO) and applicants must meet that firm's federally-imposed income eligibility standards. Litigants can apply at the courthouse in the Family Law Clerk's office (Room 211) or directly through LASO.

Two half-day sessions are scheduled every week, each consisting of three afternoon appointments for a volunteer attorney who interviews the litigants in a small, private annex off of Room 211. Approximately 90 clients are assisted each year, with the number steadily increasing. One-quarter of those assisted are non-English speakers. LASO arranges for and compensates the interpreters.

The main focus of the work is assistance on filling out court-produced family law forms and explaining the existence and advantages of various legal options, advice that court staff is prohibited from offering.

Attorneys interested in supplementing the list of 42 volunteers for the Pro Se Assistance Project can contact Andrea Szabo at LASO at 503.224.4086. Materials, training, and mentoring are available from LASO attorneys.



By Doug Bray, Court Administrator.

Presiding Judge's Report

Judge Maurer distributed a copy of an editorial published by the *New York Times* on November 25, 2009, entitled "State Courts at the Tipping Point." The editorial is based on remarks by the Hon. Margaret Marshall, Chief Justice of the State of Massachusetts to the New York City Bar Association. According to the editorial, state courts handle 95% of all civil and criminal litigation in the US. Nonetheless, she continued, virtually all states, save four, are facing steep reductions in financing that substantially impair the ability of state court systems to meet their core obligations. The result, not just in Oregon, but throughout the US, is reduced court hours and closures and a loss of access to justice.

The Oregon Legislative Fiscal Office (LFO) has requested that the OJD and all other state agencies, submit 5% and 10% reduction plans for their operations supported by State General Fund appropriations for the 09-11 biennium by the first week in January, in anticipation of deep cuts. When the LFO requests reduction plans for state budgets, the reductions are requested as a percentage of the Legislature's Approved Budget (LAB) for the 24 month biennium.

Because eight months of that 24 month period will be over by the time there is a legislative decision on how much each agency will be reduced (by March 1) and then allowing 60 days for that reduction to be put into place (by May 1), and because there is a constitutional protection for judicial salaries in Oregon which prevents any cuts in judicial pay, the actual reduction to the OJD will be not 5% or 10%, but 12.5% and 25.1%, respectively. This will mean the loss of at least 22 staff at the lower end and about 45 at the deeper reduction just in Multnomah County. Given that the circuit court has cut \$1.2 million already from our local budget in October, additional

cuts of \$2.6 to \$5.2 million will be make it impossible for the court to maintain business as usual.

Judge Maurer reported that Chief Justice De Muniz believes strongly that the OJD cannot take any further cuts this biennium. He has provided clear notice in the budget reduction plan that if the cuts are at the LFO requested 5%, he will close **Oregon's state courts at least one day each week, and if at the requested 10% reduction, the closure will be for at least two days each week.** Chief Justice De Muniz will be working closely with the legislature's leadership to ensure that his message is understood and that further cuts to the OJD's general fund appropriation are avoided, if possible.

In response to a question regarding the relationship between the requested cuts by LFO and the outcomes of the election on Ballot Measure 66 and 67, Judge Maurer said that the failure to enact both tax measures leaves a \$733 million hole in the state general fund, which is the equivalent of a 5% reduction.

MBA is not taking a position on the ballot measures, but will put information on its Web site and at www.ProtectOregonCourts.org. A "yes" vote will enact the taxes and a "no" vote defeats them.

Judge Maurer explained that the revenue forecast for HB 2287 (Chapter 659, Oregon Laws 2009), which included the increase in filing fees and other surcharges, still has to be collected. In the first two months of collection, without most of the criminal surcharges taking full effect, the realized revenue is about half of what was forecasted as necessary. It does take awhile for new fees and surcharges to fully take effect and be realized; the results from the first 60 days may not be out of line. If the HB 2287 revenue falls short, the legislature will expect the OJD to make up the shortfall through reductions in spending.

Court Resources Subcommittee Report

Chris Howard reported that the committee met with Judge Maureen McKnight to discuss family court. She identified a number of domestic relations areas where volunteers would be helpful, especially if there are further rounds of budget reductions. Pro se parties need assistance with child support calculations and completing various forms. If the self-help facilitation program staff is cut, then volunteers could help by providing that assistance. Attorneys who volunteer as pro tem circuit court judges preside over hearings on motions for summary judgment are being interviewed to find out what training attorneys would need for this work.

Web site

Mark Peterson reported that the MBA has added information on the two tax ballot measures to be voted on in January to the MBA Web site and www.ProtectOregonCourts.org.

Courthouse

A proposed re-evaluation of remodeling the Multnomah County Courthouse while it is in use has been tabled.

New Business

Chair Dana Scheele proposed, in light of the potential impending budget cuts and because many practicing lawyers do not know what goes on at the courthouse every day, that the CLC could sponsor an article series, *Willamette Week* style, about a "Day in the Life" at the Multnomah County Courthouse. The writer would spend the day at the courthouse and then detail all of the events that day. All of the Multnomah County Court facilities will be featured, including the Justice Center, Gresham and the Juvenile Court.

Pro Bono Spotlight: Anna Sortun

Attorneys of the Oregon Law Center (OLC) and Legal Aid Services of Oregon (LASO) provide countless hours of legal assistance to low income individuals, though not without difficulty. To be sure, these attorneys have struggled with problems common to legal aid - insufficient funding, limited resources and more cases than they can take. Yet there is another obstacle that you might not know about.

Some of these attorneys receive federal funding, which carry conditions. In short, legal aid lawyers receiving federal funds may not (a) solicit clients; (b) conduct activities that may be considered lobbying (even on their own time); (c) seek attorney fees; or (d) participate in class actions. Such restrictions add yet another barrier to the effective provision of legal services by Oregon legal aid lawyers.

Enter a team of lawyers at Tonkon Torp, Stoel Rives and Davis Wright Tremaine, including Anna Sortun, a litigation associate at Tonkon Torp. In 2004, the team of

lawyers brought an action on behalf of the OLC and LASO to fight these restrictions, a fight that is ongoing after a recent setback at the Ninth Circuit. Their work earned the team the MBA Pro Bono Award of Merit in 2007.

Anna is also committed to promoting the arts in Portland. For the past three years she served on the board of the Northwest Dance Project, and offered further assistance to that group by processing the visa applications of essential choreographers. She also provides advice and counsel to the School & Community Reuse Action Project (also known as SCRAP), a group that takes Portland's refuse and creates works of art and educational opportunities.

Anna's accomplishments are impressive. In 2004, Anna graduated from the U of O School of Law, where she was Editor-in-Chief of the *Oregon Law Review*. In 2005, she clerked for Judge Alfred Goodwin of the U.S. Court of Appeals for the Ninth Circuit. In 2007, she returned to her alma mater to teach first-year torts as a Visiting Assistant Professor of Law.



One of Anna's passions is travel. In 2008, she and her husband set out on an unconventional trip. The pair bought one-way tickets to Indonesia and, without set itineraries, traveled all over Asia, the Middle East and Eastern Europe. They returned 10 months later.

Refreshed from her trip and armed with a new perspective, Anna is back in the thick of law practice. When asked, her motivation for pro bono is simple yet powerful. Give back to your community - gain experience as a lawyer. It's a win-win.

Pro Bono - it's not just for Litigators

By Maya Crawford, Campaign for Equal Justice.

As the poverty population grows during this recession, so do the legal needs of Oregon's poor. Multiple studies show that we are meeting less than 20% of the civil legal needs of low-income Oregonians. Pro bono attorneys are a vital resource to meet these needs. There are a number of ways to get involved and contrary to some misperceptions, not all pro bono opportunities involve litigation. There are several projects in Multnomah County that utilize the time and talent of transactional attorneys.

One of these projects is the Statewide Tax Clinic run by Legal Aid Services of Oregon. This clinic provides advice and representation to low-income clients who have tax controversies with the IRS or the Oregon Department of Revenue. Cases cover a range of state and federal personal income tax issues including collections, examinations and innocent spouse claims.

The Browns are an example of clients served by the clinic. To comply with tax laws, they had their taxes prepared by a tax service. Unfortunately, their income was incorrectly reported, which caused them to owe taxes that they weren't able to pay. Had their income been reported correctly, they would have received a refund. The clinic helped the Browns amend their previous returns, and stop collections.

Sean Curry of Greene & Markley volunteers with the clinic. His practice focuses on commercial litigation. He enjoys doing pro bono with the clinic because "As a newer attorney it offers me the opportunity to further develop my legal skills."

Jennifer Woodhouse, the project coordinator, states that most of the legal work done by the clinic involves discrete short-term representation. She notes there are volunteer opportunities available for recent graduates and new members of the bar.

Another local program that uses transactional pro bono volunteers is the Lewis & Clark Small Business Legal Clinic (SBLC). SBLC is a teaching clinic that provides business transactional legal services to low-income small and emerging businesses, primarily those owned by women and minorities.

Karen Phillips received help from SBLC pro bono attorneys Meredith Weisshaar of Perkins Coie and Trevor Jones from Intel. Her business, Tooth Troop, is a mobile dental clinic that provides on-site dental services to underprivileged children who would otherwise lack access to affordable dental care. Weisshaar and Jones helped Tooth Troop apply for tax exempt status. Weisshaar volunteers with the SBLC because she "appreciates the opportunity to use her transactional legal skills in her pro bono work." Ms. Phillips, who has been operating Tooth Troop since 2008, said that she "could not have progressed this far without the help of the SBLC and Meredith Weisshaar."

You can learn more about how to get involved with these clinics, as well as [explore other transactional pro bono opportunities](http://www.mbabar.org) at www.mbabar.org, or search opportunities by substantive legal area at www.osbar.org/probono/substantive.html.

Pro Bono Leaders Presented Awards

By Cathy Petracca, Pro Bono and LRAP Coordinator, OSB.

We all know someone ... a lawyer among us, or perhaps an entire firm, who goes above and beyond the call to help those who simply cannot afford to pay for legal services. Usually, they do their pro bono work with little fanfare, which is just the way they want it. Each year, the OSB New Lawyers Division recognizes some of those who answer the call.

The 2009 Pro Bono Fair and Awards Ceremony, held October 27 at the Oregon Historical Society, topped off the First Annual Pro Bono Celebration Week. OSB President Gerry Gaydos honored attorneys and firms who reported the most pro bono hours in 2008. Gaydos noted almost 56,000 hours were reported by 1,800 members. As he said, "I'm certain that this is a drop in the bucket of what our membership does to give back to the community."

Multnomah County members were well-represented in the ceremony. **Garvey Schubert Barer** provided almost 1,200 hours of pro bono work in 2008 and won the medium firm category. The firm encourages its lawyers to devote at least 10% of their annual accounted time to pro bono work. A major area of focus for their lawyers is the continued representation of two Guantanamo Bay prisoners.

Winning the large firm category, **Stoel Rives** contributed 3,737 hours of pro bono work in a variety of activities, including matters of political asylum and other immigration issues, representation of not-for-profits and Social Security appeals for children. In addition, Stoel Rives hosts a twice-monthly pro bono night clinic, providing over 1,000 hours annually helping low-income Oregonians resolve their legal problems.

Art Lafrance, who gave 150 hours to his pro bono clients through Legal Aid Services of Oregon (LASO), won the Active Pro Bono Category. A retired Lewis & Clark law professor, Lafrance lives in Portland but travels to the coast twice a month to help clients referred by LASO.

The small firm winner was Lake Oswego firm Parrilli & Renison. Brent Renison and Tifani Parrilli contributed 554 hours of service. Most of Renison's pro bono work is on behalf of surviving spouses of American citizens, fighting the "widow penalty," or a deportation order upon the death of a spouse. His work in this area has been nationally recognized.

Other winners: Laura Cooper of Eugene, in the solo category; the U of O in the law school category; and Risa Davis from Lewis & Clark in the law student category.

The ceremony concluded an afternoon of two CLE sessions and a Pro Bono Fair, with more than 15 organizations showcasing the exemplary work they do for low-income Oregonians.

Judge Adrienne Nelson spoke at the awards ceremony, describing how a lawyer who volunteered his time first piqued her interest in becoming a lawyer and how volunteering her own time is a rewarding experience for her.

We all know bar members who continuously answer the call of our fellow Oregonians. They literally "set the bar" for our profession and are an example to all of us.



Judge Adrienne Nelson and 2009 OSB President Gerry Gaydos

Know someone who is making a difference through pro bono work?

Make a nomination today!

MBA • LASO • OLC
Pro Bono Awards

Senior Project Volunteer of the Year
Multnomah County's longest running pro bono project.

Michael E. Haglund Pro Bono Award
For Young Lawyers in LASO, OLC, or MBA YLS projects.

Pro Bono Award of Merit
For exemplary pro bono work.

Look for the insert in this issue.
Nomination deadline Feb. 15

YLS Board Welcomes Bill Penn

The YLS Board of Directors welcomes our newest member, Bill Penn. Bill is the Public Interest Law Coordinator at Lewis & Clark Law School. He is an alum of the school, where he graduated with a certificate in Federal Taxation in 2002.

Bill made his way to Oregon from Pennsylvania by way of California. In 1998 he earned a B.S. in Astronomy from Caltech. During law school he volunteered with the Community Alliance of Tenants, advising renters about their rights. He also coached the Grant High School Mock Trial Team and served as a mediator with the Multnomah County Small Claims Court.

After being admitted to the bar in 2002, he worked as a sole

practitioner for several years before joining Clarke Balcom Law in 2006, where he handled bankruptcies, adversarial proceedings, tax debt settlements and consumer cases. During these first years of practice Bill also managed to keep up his volunteer work with the Multnomah County Small Claims Court, the eviction court, and as a precinct committee person for the Multnomah County Democratic Party.

In 2007 Bill transitioned to working in the Career Services Office of Lewis & Clark Law School as the Public Interest Law Coordinator, where he assists students in their job search for public interest work, manages the Loan Repayment Assistance Program, and oversees the Pro Bono and Public Interest Law Certificate programs.



Bill served as the chair of the YLS Pro Bono Committee during the 2008-09 bar year. In his new role as YLS Board member, Bill also serves as the liaison to the MBA Professionalism Committee.

A Balanced Brief

By Amy M. Hoven, Kennedy, Watts et al and YLS Futures Committee member.

Work 10 hour day. Teleconference in car. Stop at daycare. Review email at red light. Feed, bathe and tuck in children. Return client emails, review documents, and prepare for meeting with client.

For many lawyers, this is a typical day. There is little time for family, hobbies, conversation with partners or even sleep.

Over the past decade, bar associations across the nation surveyed members and found that a poor balance of personal and professional commitments ranks as one of the top reasons for dissatisfaction in the practice. According to the 2006 Generation Gap survey by the MBA, work/life balance was the highest ranked motivator across all the generations surveyed. Getting from identification to

concrete practice is, however, challenging. Is it billable hours? Is it tradition, i.e., "I didn't do it that way, so why should you?" One local lawyer observed that because his last applicant pool held few lawyers who were willing to exchange a work/life balance for lower compensation (something that 49% of Gen Xer lawyers reported being willing to do in 2006), he questioned whether balance was really that important to associates.

The Portland City Attorney's office promotes balanced lives for its lawyers. The office has a teleworking policy that permits lawyers to work via remote locations. Such a policy is not surprising considering City Attorney Linda Meng used to share the position with her predecessor, Jeff Rogers. Rogers worked part-time while he

pursued a master's degree. Small Portland firm Meyer & Wyse LLP believes in balanced lives for its lawyers. They hold weekly attorney meetings where lawyers share their weekend activities, along with firm business. Partner David Bean believes the meeting is a simple way to show an interest in lawyers as people, as well as professionals. Bean also adheres to a strict schedule that allows him to spend more time in the evenings with his family.

As the YLS Futures Committee strives to develop and implement strategies to address the issue of work/life balance, we welcome your input and ideas. Does your office have a unique policy or alternate work model that promotes balance? Let us know and be a part of the future of the practice.

YLS Gathers Toys for Tots

On December 10, the YLS held its annual Holiday Drop-in Social and toy drive at Aura. Toys were collected for the US Marine Corps Reserve Toys for Tots Program. Marines were on hand to accept toy and monetary donations, as well as the boxes of toys previously collected by local firms. The program has been helping children during the holidays since 1947, and all donated toys stay in the local community. Thanks to the overwhelming generosity of MBA law firms and individual members, many local families experienced the joy of the holiday season with the gift of toys for their children.

A special thanks to the following toy collectors and their firms:

Jennifer Pike / Ball Janik
Traci Hopfe / Barran Liebman
Sarah Petersen / Bullard Smith
Jernstedt Wilson

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**January 2010
YLS Social**

**On Thursday, January 7
from 5:30-7:30 p.m.,
please join the YLS at
Touché for a round of
pool and catching up
with your friends after
the holidays.**

**Touché is located at
1425 NW Glisan.
No RSVP is necessary.**

**We look forward to
seeing you there!**



Imprint Program Kicks Off

The YLS Service to the Public Committee held its orientation meeting for this school year's first round of the Imprint Program on December 2. The popular program pairs lawyers with students at Parkrose Middle and High Schools to exchange letters on a book the students are reading in class. If you were not one of the lucky ones who got paired with a student in the first round, we encourage you to consider volunteering for the second round, which will begin in January 2010. Orientation for the second round will be on January 19 at 5:30 pm. Please sign up at www.mbar.org/community-law-week/index.php.

Dropout Prevention Program

The YLS Service to the Public Committee needs more volunteers to spend an hour discussing the role of education in a good life with local school children. The program has been highly acclaimed by teachers and students. Past volunteers have had a great time helping our schools. Miller Nash will host a brief training session on Wednesday, January 13, at 5:30 p.m., where new volunteers will be introduced to the program and given lesson plans. Anyone interested in joining the program should contact Raife Neuman at raife.neuman@gmail.com.

Call for Volunteers Blanchet House

Many people and families struggle to put food on the table. For over 50 years, the Blanchet House of Hospitality has been the number one provider of meals for the hungry in Portland, relying on volunteers to meet this critical need. The YLS Service to the Public Committee invites you to volunteer on Friday, January 29 from 4:30-6 p.m. To join us, or to learn more about the Blanchet House, contact Alex P. Sutton at asutton@gevurtzmenashe.com.

Welcome, New Admittees!

On November 12, the YLS Membership Committee hosted the annual YLS New Admittee Social at Kells Irish Restaurant & Pub. The room was at near capacity as new admittees to the OSB and young attorneys got an opportunity to mingle in an informal setting.

As part of the evening, the YLS committee chairs gave brief introductions as to what their respective committees do, showing new admittees a fun way to get involved in the legal community.

The YLS would like to acknowledge the support of LexisNexis for sponsoring the event.

Thank you to all who participated. We look forward to seeing you at the next social!



Rick King of LexisNexis with new admittees Andrew Myers, Valerie Colas and Elizabeth Ross

Midsized Firm Managing Partners Meet to Share and Collaborate

The MBA Board established a midsize firm roundtable discussion group. This group is being modeled after the long-standing Managing Partners Roundtable, which is for firms with 20 or more attorneys. One of the main goals for the midsize firm group is to share information and collaborate to help midsize firms operate wisely and efficiently.

The new group's first meeting was held on October 20 and hosted by Kivel & Howard. Close to 20 firms were represented by one or two partners. Also in attendance were MBA Executive Director

Judy Edwards and Kathy Maloney, the MBA staffer who will serve the committee. At the meeting, the group brainstormed future meeting topics. It plans to meet quarterly to discuss topics that affect midsize firms. Among the issues the committee plans to address are technology, growth, management structure/style, compensation, sustainability and succession planning.

David Bean and Lindsey Hughes will serve as co-chairs. Having David, a young partner at Meyer & Wyse LLP, and Lindsey, a more experienced partner at Keating Jones Hughes PC, chair

the committee coincides well with the goal of including both less experienced partners and more experienced partners from each firm, so that diverse perspectives are considered.

The next meeting will be hosted by Chernoff Vilhauer et al on February 2. Refreshments will be provided.

If you are a partner at a midsize firm (5-19 lawyers) and your firm wishes to participate, please contact Kathy Maloney at 503.222.3275 or kathy@mbabar.org and she will add you to the email list.

Resources for Pro Bono Attorneys

Pro Bono Web sites

www.mbabar.org/probono

The MBA links to numerous resources for attorneys who want to make a commitment to pro bono work and lists pro bono opportunities in Multnomah County.

www.osbar.org/probono

The OSB Web site has information and resources on pro bono programs in Oregon.

www.abanet.org

The ABA's Standing Committee on Pro Bono & Public Service and the Center for Pro Bono is a national source for information, resources and assistance in the delivery of pro bono assistance.

www.probonoinst.org

The Pro Bono Institute supports pro bono work by law firms and

corporate legal departments seeking to enhance justice for the poor and disadvantaged.

www.probono.net

ProBonoNet provides national resources for pro bono attorneys working to assist low income or disadvantaged clients.

Continuing Education in Substantive Legal Areas

Download free CLE written materials from www.mbabar.org (Member Section)

Download free CLE materials or handbooks from www.oregonadvocates, the statewide legal services advocates' Web site. Sign up as a pro bono attorney and go to the Library Section for classes and materials.

Download self-help handbooks written by legal services staff that are available at

www.oregonlawhelp.org. These handbooks are designed for laypersons with applicable statutes, remedies, forms and sample letters. A great primer for an overview of the basics in some common areas of law.

Helping Clients Find Resources

Dial 211 24 hours a day or go to www.211info.org to get help from professional intake staff who refer to health and community organizations in the Oregon and SW Washington regions.

PRO BONO VOLUNTEERS

Thanks to the following lawyers and law students, who donated their pro bono services in November 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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- ◆ Tax controversies with Marc Sellers, Schwabe Williamson & Wyatt PC
- ◆ TICs and real estate workouts with Kevin Thomason, Thompson & Knight LLP
- ◆ Real estate and partnerships with Andrea Macintosh Whiteway, McDermott Will & Emery
- ◆ State and local tax with Prentiss Willson, Ernst & Young LLP

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Ethics Focus

Continued from page 4

challenged to apply our existing rules to new contexts - such as the OSB's ethics opinion (2005-164) addressing the "no contact" rule in the context of Web sites and other internet communications.

As Yogi Berra once put it: "When you come to a fork in the road, take it." While we can't anticipate all of the "forks in the road" that economic and technological trends may bring, we can expect that they will continue to shape both our practices and the professional rules in the years ahead.

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

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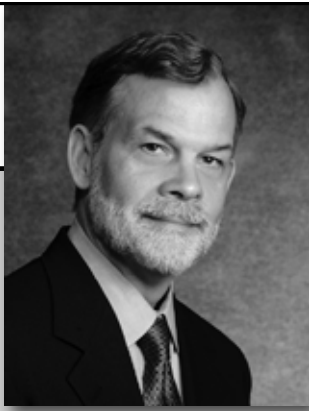
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Frank H. Spears

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Frank's guidance, humor, kindness and leadership throughout many years will be greatly missed.



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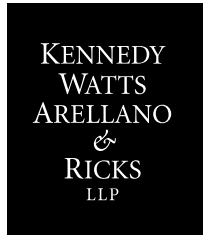
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The New Year Brings New Opportunities

By Pamela B. Hubbs, Office and Foundation Administrator.



M U L T N O M A H B A R
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Happy New Year!

With the advent of 2010, the Multnomah Bar Foundation (MBF) approaches its fifth anniversary in eager anticipation of a new year filled with new opportunities to promote civics education and engagement in the community.

With profound appreciation for the continued generosity of MBA members and their support of the 100th Anniversary Community Gift Fund, the MBF will continue its efforts to impact the community through the 2010 grants cycle.



Classroom Law Project Youth Summit

The MBF is currently soliciting letters of inquiry from nonprofit organizations for projects that increase the public's understanding of the legal system and promote civics education and participation. Qualifying organizations will receive an invitation to submit a full proposal and grant awards will be announced in May.

The 2009 grants cycle saw the continued support of past grantees Bus Project, Classroom Law Project, Elders in Action, League of Women Voters and YOUthFILM Project, as well as the commencement of a new relationship with MetroEast Community Media.

Letter of inquiry guidelines and information about the grants cycle may be found at www.mbabar.org/grant.htm.



League of Women Voters of Portland Student Leadership Initiative



MBA YLS YOUthFILM Project

To learn more about the MBF or to make a donation, visit www.mbabar.org/foundation.htm or contact Pamela Hubbs at pamela@mbabar.org.

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