



# MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community. July/August 2010 Volume 56, Number 7



## From the President

By Sarah Crooks, MBA President.

And so it begins, my term as the 105th President of the Multnomah Bar Association. My first official duty as president was to lead the MBA Board of Directors and our staff through the annual retreat. In preparing for the retreat, I re-read the MBA's initial stated purposes, which are:

"To raise and maintain the dignity and honor of the legal profession, and to prevent it from degenerating into a business; to increase its usefulness in promoting the due administration of Justice; to cultivate social intercourse among its members, and to enforce such discipline among its members as shall promote the observance of dignity and courtesy among the members of both bar and bench, and prevent unprofessional conduct; and to recommend, advocate and work for the enactment of such laws as shall promote good government."

Those initial purposes have been distilled into the MBA's Mission Statement: We are "Lawyers associated for Justice, Service, Professionalism, Education and Leadership for our members and our community." Our board and committee members - our dedicated volunteers - work toward our Mission through the activities of our committees, roundtables, special taskforces, and liaisons with other organizations, and by organizing a number of social networking events, including our annual dinner, golf events and informal socials before and after work. Our membership has grown to more than 4,500 members this year. We are a strong and vital organization. And I am sure that the 57 attorneys who formed the MBA in 1906 would agree that we have made great and important strides in advancing our Mission and serving our community.

Back to the retreat. Remember how it was dark, dreary and rainy nearly every day for most of June? Well, I asked the MBA Board of Directors and our staff to spend most of the day indoors on one of the sunniest days in June, a Saturday no less. We spent that sunny Saturday at the Forestry Center reviewing the accomplishments of our committees and formulating an action plan to guide our work in 2010-11. I am pleased to report that we accomplished a great deal and also managed to laugh from time-to-time. No one snuck out early; no mutiny was declared. I am counting the retreat as a success and am very grateful to be working with such a dedicated group. As a result of our work, we have developed some action items for the board and charged our committees with their tasks for the next year. We are off and running, and here's a preview of a few places we are planning to go.

We plan to shine some additional light on Justice and, in particular, on the downtown Multnomah County Courthouse. As we emphasized at our Annual Meeting and Dinner on May 11, the downtown courthouse suffers from numerous issues that threaten

the physical safety of the occupants and guests of that building and the continued administration of justice. Quite simply, the building is obsolete. You will be learning more about the downtown courthouse in future columns and articles in the *Multnomah Lawyer*. In the meantime, you may find more information on the downtown courthouse on our Web sites: <http://www.mbabar.org/multnomahcountycourthouse.htm> and <http://www.protectoregoncourts.org>.

Given the extraordinarily long history with the effort to replace the downtown courthouse, the MBA Board has decided to create a new standing committee focused on the downtown courthouse and charged with developing the strategies the MBA can take to help fund and build a new courthouse. We know that many of you care deeply about the courthouse issues, and we look forward to getting you involved.

The board also wants to look at the non-traditional pro bono work that our members are doing, such as working with Mercy Corps, Habitat for Humanity and detainees at Guantanamo Bay, to name a few examples. We believe that this important, but non-traditional pro bono work is largely unrecognized and perhaps these opportunities are not as well-publicized, and we would like to spread the information about these non-traditional pro bono opportunities so that others can get involved.

Enjoy the summer, now that it appears to have finally arrived.

## MBA Seeks Public Member for Judicial Screening Committee

Non-attorney members of the public are invited to apply for a three-year term on the MBA Judicial Screening Committee. This MBA committee confidentially screens regular and pro tem candidates for appointment to the Multnomah County Circuit Court bench. Public member criteria are listed in Announcements on p. 4.

## Group Health Plan

### Open Enrollment in September

September is Open Enrollment month for the MBA's Group Health Insurance Plan. MBA members who are not on a plan may enroll. For detailed information, call Steve Doty of Northwest Employee Benefits at 503.284.1331.

## MBA CLE

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

## September

**Tuesday, September 21**  
**Meditations on Mediation: Inside the Mind of the Mediator**

Jeff Batchelor  
Susan Hammer

**Wednesday, September 29**  
**Strategies and Techniques for a Successful Arbitration**

David Markowitz

## October

**Thursday, October 28**  
**Expert Witnesses**

Matt Donohue  
Richard Vangelisti

### MBA Offers

#### Downloadable CLE

OSB members seeking CLE credit may purchase audio files and written materials at any time from the MBA Web site. Classes are available for all types of CLE credit. To purchase audio and written materials visit [www.oregoncle.com](http://www.oregoncle.com). MBA members who are not seeking CLE credit but would like CLE written materials may continue to download them free of charge from the MBA Member Section.

## In This Issue

Letter to the Editor.....	p. 2
Calendar.....	p. 3
Member Resource Center.....	p. 3
Announcements.....	p. 4
Ethics Focus.....	p. 4
MBA Golf.....	p. 6
Around the Bar.....	p. 7
Tips from the Bench.....	p. 8
Profile: Judge Weber.....	p. 8
MBA Officers.....	p. 9
Randall Kester.....	p. 9
YLS.....	p. 10
Support Civics Education.....	p. 14
Classifieds.....	p. 14
Multnomah Bar Foundation.....	p. 16

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

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- Voltaire



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**LETTER TO the EDITOR**

Dear Colleagues:

I would like to thank all of the lawyers and judges that have taken the time to write or email me a congratulatory message on my receiving the 2010 MBA Professionalism Award. I also appreciate the comments made to me by many of you at the annual meeting and awards dinner. I realize how fortunate I am for being chosen from among many other worthy candidates and will always appreciate this special honor.

Sincerely,  
Garry L. Kahn

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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

- The lead architect and construction experts on the 2002 HOK in-depth study of the Multnomah County downtown courthouse presented a slide show and information to MBA Courthouse Committee members so they would have a more complete understanding of the building.
- The downtown courthouse was a focus of the MBA annual meeting in May, with leaders donning hard hats to make the point about the safety of the building.
- The MBA Board focused one of its retreat discussions on the downtown courthouse, including how we build visibility for the need of a new courthouse and recommending that the Future Courthouse Committee be established as a standing committee of the association.
- MBA set up and participated in a tour of the downtown courthouse with the *Daily Journal of Commerce* editor Stephanie Basalyaga plus Judge Maurer; Mike Crank, Facilities Manager and Peggidy Yates from the county.
- East County Courthouse: Design schematics and cost

- estimates continue to be developed for a new court facility in Gresham.
- MBA Courthouse committee members met this year with Commissioners Kafoury, Cogen, McKeel, Shiprack and Willer, as well as Peter Englander, who is in the PDC office. The city is considering a new urban renewal area, which may include the downtown courthouse. The committee also met with Kimberly Schneider, head of the city's economic development team.
  - Leslie Kay and Judy Edwards met with a newly established county committee, which includes Chief De Muniz. Commissioner Kafoury will chair the "building" committee and Commissioner Judy Shiprack will chair the "finance" committee. Sarah Crooks serves on the finance committee.
  - Chief De Muniz reports that the PSU MBA program has agreed to adopt as a project: how to make the existing downtown courthouse into a revenue generating building for the county.

### Pro Bono Opportunities

Find pro bono opportunities by case type and by agency name on the MBA Web site under About Us.

### Bankruptcy Clinic

The OSB Debtor-Creditor Section and the Volunteer Lawyers Project sponsor this program that provides information and representation to

clients who are considering bankruptcy or who are already in US Bankruptcy Court as pro se litigants.

The project consists of two components, a class addressing bankruptcy issues and a clinic during which volunteer attorneys each meet with two clients for 30-minute appointments. Anyone may attend the 45-minute class, which is taught by a member of the bankruptcy bar or bench.

Volunteer attorneys meet with clients, help them assess whether bankruptcy is appropriate, and if so, provide ongoing representation. The monthly clinic alternates between sites in Beaverton, east Portland and downtown Portland. Ten to 12 attorneys and one speaker are typically scheduled for each clinic. They are held on the third Tuesday of the month from 6:15-9 p.m. An online CLE and written training materials are available. To volunteer, contact Maya Crawford of Legal Aid Services of Oregon at 503.224.4086.

# CALENDAR

For a complete MBA calendar, please visit [www.mbabar.org](http://www.mbabar.org). To add your organization or firm's annual events to the MBA online calendar, contact Carol Hawkins, [carol@mbabar.org](mailto:carol@mbabar.org).

## July

- 4**  
Sunday, Independence Day
- 5**  
Monday, Holiday – MBA office closed
- 14**  
Wednesday, MBA Family & Friends Golf Event at McMenamain's Edgefield Register at [www.mbabar.org](http://www.mbabar.org).
- 15**  
Thursday, East County Social Visit [www.mbabar.org](http://www.mbabar.org) for details.
- 22**  
Thursday, OMLA Social and Auction See details at [www.oregonminoritylawyer.org](http://www.oregonminoritylawyer.org).

- 10**  
YLS Board meeting
- 14**  
Tuesday, YLS Board meeting
- 21**  
Tuesday, MBA CLE – Inside the Mind of the Mediator See insert or visit [www.mbabar.org](http://www.mbabar.org) to register.
- 22**  
Wednesday, MBF Board meeting
- 29**  
Wednesday, MBA CLE Strategies & Techniques for Successful Arbitration See insert or register at [www.mbabar.org](http://www.mbabar.org)

## August

- 3**  
Tuesday, MBA Board meeting
- 10**  
Tuesday, September Multnomah Lawyer deadline
- Tuesday, YLS Board Meeting

## October

- 5**  
Tuesday, MBA Board meeting
- 8**  
Friday, November Multnomah Lawyer deadline
- 11**  
Monday, MBA Golf Championship at Portland Golf Club Register at [www.mbabar.org](http://www.mbabar.org).
- 12**  
Tuesday, YLS Board meeting
- 19**  
Tuesday, MBA Absolutely Social at University Club Visit [www.mbabar.org](http://www.mbabar.org) for details.
- 27**  
Wednesday, MBF Board meeting

## September

- 6**  
Monday, Labor Day Holiday MBA office closed
- 7**  
Tuesday, MBA Board meeting
- 10**  
Friday, October Multnomah Lawyer deadline

## Deals and discounts for MBA members

### Downloadable CLE Seminars

Audio recordings of past MBA 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](http://www.oregonCLE.com) for more details.

### MBA Member Discounts

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### Bank of the Cascades

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### The Bar Plan Online Court Bonds

MBA members can purchase a court bond online with 24-hour turnaround time. Cathy Ahearn or Deborah Eller at 1.877.553.6376  
[www.mba.onlinecourtbonds.com](http://www.mba.onlinecourtbonds.com)

### Legal Northwest Staffing Specialists

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### LexisNexis

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### MBA Insurance Plans

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### Classified Advertising

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

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# Ethics Focus

By Mark J. Fucile, Fucile & Reising.

## Conflicts Revisited, Part 3: Eliminating Conflicts



We began this series with a look at current client conflicts. Next, we surveyed former client conflicts. This month, we'll conclude with a discussion of structuring representations to eliminate conflicts altogether.

### Structuring Representations

To have a multiple client conflict, we need two basic ingredients. First, we need multiple clients. Second, those multiple clients need to be "directly adverse" in the same matter. To borrow from RPC 1.7(b)(3), "directly adverse" generally means putting yourself in a position where you need "to contend for something on behalf of one client that the lawyer has a duty to oppose on behalf of another client[.]" Therefore, if the representation can be structured so that the positions of multiple clients are aligned, then there is no conflict.

There are two keys to making this approach work. First, it is critical to define the clients and the scope of the representation in an engagement letter. The engagement letter allows both the clients and the lawyer to discuss and mutually agree on the parameters of the representation. Second, it is equally critical that the lawyer then act in conformance with the engagement agreement. The best engagement letter ever crafted will not do the lawyer any good if the lawyer doesn't follow it.

We'll look at three examples illustrating this technique: one from defense litigation; one from claimants' litigation; and one from business transactions.

### Example 1: Defense Litigation

A classic example in defense litigation comes from the product liability context. In many circumstances, both a product manufacturer and a product seller are named as defendants. The reasons are many, ranging from tactical (such as trying to foster "finger pointing" among the defendants) to strategic (such as naming a local seller to defeat removal based on federal diversity jurisdiction).

Although the seller may have contractual or common law indemnity rights against the manufacturer, it often makes sense from their perspective to make common cause and simply argue that there was nothing

wrong with the product. If the manufacturer and the seller agree among themselves to postpone any indemnity issues to another day and another forum using different counsel, then it is normally possible for one lawyer (or firm) to represent both defendants. In our example, the defense lawyer's only job is to argue that there is no defect in the product and, therefore, the positions of the manufacturer and the seller are aligned - eliminating the potential conflict.

### Example 2: Claimants' Litigation

An equally classic example from the claimants' side also comes from the product liability context. In many circumstances, multiple plaintiffs may want to use the same lawyer or firm to handle their claims. Again the reasons are many, ranging from tactical (such as spreading common costs over a greater number of cases) to strategic (such as gaining settlement leverage from the strength of numbers).

In some situations, however, the resources available to pay claims may be limited by insurance coverage or the defendant's overall assets. The OSB in Formal Ethics Opinion 2005-158 (available at [www.osbar.org](http://www.osbar.org)) counsels that a single lawyer or firm can still represent multiple claimants in this context if: (1) the lawyer's job is limited to creating the largest possible fund (by settlement or award); and (2) the clients agree among themselves on allocation of any common fund either by agreeing to specific shares or a mechanism, such as arbitration (not involving the lawyer), to do so.

In our example, by defining the scope of the representation, the lawyer can align the positions of the clients against their common opponent - eliminating the potential conflict.

### Example 3: Business Transactions

A ready example from transactional work comes from the "corporate family" context. As corporations have grown larger and more diverse by both geography and business line, it has become harder to determine in many situations if a non-wholly owned subsidiary or affiliate should be considered a member of the same corporate family for conflict purposes.

# ANNOUNCEMENTS

### Multnomah Bar Foundation Begins New Fundraising Campaign for Civics Education and Participation

Please consider making a donation to the MBF to help it continue to make grants to increase civics education and participation programs to a broad spectrum of the community. Details are located on p. 11 and 16.

### MBA Seeks Public Members for Judicial Screening Committee

Non-attorney members of the public are invited to apply for a three-year term on the MBA Judicial Screening Committee. This MBA committee confidentially screens regular and pro tem candidates for appointment to the Multnomah County Circuit Court bench.

Public members must work or reside in Multnomah County and be at least 21 years of age. No person may serve as a public member who is (1) a lawyer or former lawyer in any jurisdiction, (2) employed by a lawyer, (3) married to or a domestic partner of a lawyer, or (4) the parent, child or sibling of a lawyer. Desirable qualities of public members include integrity, honesty, discretion, familiarity with the legal system, and the ability to communicate effectively.

Applicants should be prepared to submit the following additional information: reason for interest in serving as a public member; employment and educational background; prior public or community service; and the names of at least three references.

For information on the committee's process, visit [www.mbabar.org/documents.htm](http://www.mbabar.org/documents.htm). For an application or for more information, visit [www.mbabar.org](http://www.mbabar.org) or call 503.222.3275.

### MBA Web site Now Searchable

In an effort to make content on the MBA Web site easier to find, there is now a search box in the menu list on the left side of each page of the site. Check it out!

### Oregon Minority Lawyers Association (OMLA) Annual Summer Social is July 22

Thursday, July 22, OMLA's annual social and fundraising auction will be at the World Trade Center in Portland. The deadline for auction donations is Friday, July 16.

### Call for nominations: OSB Annual Awards

Every year the OSB honors Oregon's most outstanding lawyers, judges and citizens. The OSB is currently accepting nominations for the following awards: OSB Award of Merit; Wallace P. Carson Jr. Award for Judicial Excellence; Affirmative Action Award; Membership Service Award; Public Service Award; Public Leadership Award; and Edwin J. Peterson Professionalism Award. The deadline for nominations is 5 p.m. July 23. Nomination criteria, forms and other information can be found at [www.osbar.org/osbevents](http://www.osbar.org/osbevents). For more information, please contact Kay Pulju, [kpulju@osbar.org](mailto:kpulju@osbar.org).

### Queen's Bench Luncheon

Queen's Bench has a new location for its luncheon; Trees Restaurant in the PacWest Building. The address is 1211 SW 5th Ave. in downtown Portland. July 13 is the New Admittee Luncheon, and the speaker is OSB President Kathy Evans. Cost is \$14, and there is always a vegetarian option.

### Federal Bar Association Honors Judges and Lawyers at May Annual Dinner

The Federal Bar Association held its annual dinner at the Mark O. Hatfield federal courthouse in Portland. Honored for their mentoring were Chief Judge Anne Aiken, Magistrate Judge John V. Acosta, Senior District Court Judge Robert E. Jones, and attorneys Steve Hedberg, Paula Barran, Dave Markowitz and Bill Barton. Two local attorneys were also awarded the Judge James M. Burns Federal Practice Award. Peter Richter, a partner and civil litigator at the firm of Miller Nash, received the civil practice award and the recipient for excellence in criminal practice was awarded to Steven T. Wax, the longtime federal Public Defender for the District of Oregon.

### 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.

### 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.mbabar.org/docs/Profcertorder.pdf](http://www.mbabar.org/docs/Profcertorder.pdf).

### Multnomah County Legal Aid Services of Oregon receives Grant

The Multnomah County Office of Legal Aid Services of Oregon is the recipient of a \$36,143 grant from the Roscoe C. Nelson Jr. Fund for Pro Bono Law Services to the Poor, administered by the Oregon Community Foundation. Roscoe C. Nelson, Jr. practiced law in Portland for 52 years and helped the poor by providing free legal services throughout his career. His family members and friends established the Roscoe C. Nelson Jr. Fund to honor this tradition. The purpose of the endowment is to connect volunteer lawyers with low-income people in need of legal services in Multnomah County.

### September is Open Enrollment Month for the MBA Health Plan

Those not currently enrolled in the MBA Health Plan can sign up in September, so now is a good time to compare your existing plan to the MBA's. While the MBA plan is not immune from the continued rise in premiums nationally, MBA premium increases are below the national average and the plan remains competitive for many MBA members. You may review a summary of current rates on the MBA Web site, or call Northwest Employee Benefits at 503.284.1331 with questions.

For example, if your firm represents "Attenuated Subsidiary A" in an environmental matter, can you take on an unrelated business transaction for a local company against "Attenuated Affiliate B" without a conflict waiver even though they share some degree of common corporate lineage? The ABA in Formal Ethics Opinion 95-390 (available at [www.abanet.org/cpr](http://www.abanet.org/cpr)) suggests that a firm can do so if it limited its representation

to the specific subsidiary for which it is handling - in our example, the environmental work.

### Summing Up

As these examples highlight, the absolutely critical elements to avoiding conflicts through structuring representations are to: 1) Define the client and the scope of the work involved at the outset through an engagement agreement with the client; and 2) Follow that agreement.

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

## Thanks to all of our 2009-10 Committee Members

The MBA is fortunate to have so many members who volunteer their time.

### CLE Committee

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### Golf Committee

Dylan Cernitz, Co-Chair  
Kelly Evans, Co-Chair  
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### Group Insurance Committee

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### Judicial Screening Committee

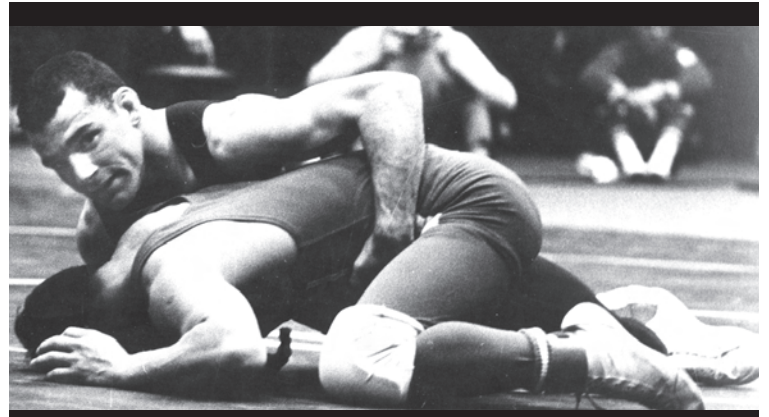
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**MBA 13<sup>th</sup> Annual Golf  
championship  
at Portland Golf Club**  
*Monday, October 11*  
*Benefiting Legal Aid*

Enjoy the opportunity to play the prestigious Portland Golf Club and support the MBA's annual fundraiser for the Volunteer Lawyers Project (VLP) at Legal Aid Services of Oregon. Help us meet the 2010 goal to raise \$10,000 for VLP! This event will include hole-in-one and tee prizes, door prizes, dinner and awards. Tournament co-chairs are Dylan Cernitz and Kelly Evans, of Gevurtz Menashe et al. Details to be announced. For more information contact Pamela Hubbs at 503.222.3275 or pamelambabar.org.

**Lawyers & Law Students Golf**

Law students, lawyers and judges braved the cold, the rain and the hail of late May to play in the first annual MBA Lawyers & Law Students golf event at Heron Lakes. The winning foursome included Jim Esterkin; Tom Melville; Mike Redden, Redden & Findling; and law student Nathan Orf. Nathan received his J.D. from Willamette University College of Law and is headed to Tulane for an LL.M in Admiralty Law.

The focus was to bring law students, particularly students of color, to the game of golf and give them an opportunity to meet and network with the Portland area legal community.

The MBA Golf Committee wishes to thank:


- Lewis & Clark, Willamette and UO law schools for chipping in to keep the registration affordable for their students and their Career Services Offices for helping to promote this event
- Oregon New Lawyers Division (ONLD) for staffing an information/snack table and playing in the event

- OMLA and the OSB Affirmative Action Program for promoting the golf event
- Next golf event: July 14 - Family & Friends at McMenamins Edgefield in Troutdale. Register to play at [www.mbabar.org/docs/golf.pdf](http://www.mbabar.org/docs/golf.pdf) or contact Pamela Hubbs at 503.222.3275 or [pamela@mbabar.org](mailto:pamela@mbabar.org).

**MBA Golf at  
McMenamins Edgefield,  
Wednesday, July 14**

Back by popular demand, the **MBA Family & Friends** golf outing is at McMenamins Edgefield in Troutdale. Invite your clients, bring your kids, tell your friends! Join us for an afternoon of pitch and putt golf, putting contest, prizes and fun! Play nine holes; tee times begin at 2 p.m. \$20 for adults; \$15 for children, 17 and under. Register at [www.mbabar.org/docs/Golf.pdf](http://www.mbabar.org/docs/Golf.pdf). This event is co-sponsored by Oregon Women Lawyers Foundation. For more information contact Pamela Hubbs at 503.222.3275 or [pamela@mbabar.org](mailto:pamela@mbabar.org).

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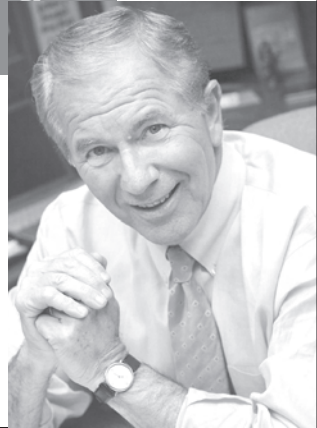


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# AROUND THE BAR



Matthew Hedberg



Trish A. Walsh

from a list of 600 nominees as entrepreneurial business leaders who have the knowledge, talent and business acumen to lead successful clean technology companies in the next 3-5 years.

Van't Hof is a member of the firm's renewable energy, clean tech and sustainability and climate change practice groups.



Evelyn English



Paul Migchelbrink

**Trish A. Walsh** is a new associate. Her practice will include a variety of civil litigation areas including debtor-creditor, tort and environmental law.

**Paul Migchelbrink**, a shareholder, has been elected to The Salvation Army Portland Metropolitan Advisory Board. Migchelbrink maintains a diverse business practice emphasizing corporate matters and real estate, and brings more than 15 years of legal knowledge and experience to the board.



Mark Long



Román Hernández

**SCHWABE WILLIAMSON & WYATT** Managing Partner **Mark Long** recently joined the board of The Freshwater Trust. One of the major roles he will play as a board member for the trust is to assemble operational strategies for continued growth of the organization. Long's decision to join the organization is rooted in his personal passion for the organization's mission, which is to restore and protect entire freshwater ecosystems.

**Román Hernández** has been elected to serve a four-year term on the board of directors of The Oregon Community Foundation.

**SAMUELS YOELIN ET AL** Senior partner **Merritt S. Yoelin** participated in his first Portland Rose Festival as an official Royal Rosarian. He was officially knighted in the organization's traditional ceremony in April.

Yoelin, who has been practicing law for more than 40 years, is an accomplished business, estate planning and tax attorney.

**BALL JANIK** **Adele J. Ridenour** has joined the firm as an associate where her practice focuses on construction law and commercial litigation.



Adele Ridenour



Duke Tufty

**DAVIS WRIGHT TREMAINE** **Duke Tufty** recently completed the Portland Business Alliance's Leadership Portland program, which is designed to develop community leaders. The curriculum educates participants on a wide array of critical issues affecting Portland. The participants work together as a group, visiting inside the city and state infrastructure. By the end of the program participants develop an integrated overview of how city and state educational, social service and business systems operate.



Max Miller

**TONKON TORP** The firm named **Max Miller** to lead its environmental & natural resources practice group.

Miller's business counsel and litigation practice focus on complex hazardous waste, air and water pollution matters, as well as forestry and renewable energy.

*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](mailto:carol@mbabar.org).*



Erik Swanson

**BULLIVANT HOUSER BAILEY** **Matthew Hedberg** joined the insurance industry services practice group.

**Evelyn English** joined the commercial litigation practice group.

**Erik Swanson** joined the corporate, finance, securities, and international transactions practice group.



Masa Yamaguchi



David Van't Hof

**LANE POWELL** **Masa Yamaguchi** has joined the intellectual property and technology practice group.

**David Van't Hof** has been selected as a Pivotal Leader for 2010. Van't Hof and 31 others were chosen



Jeff Martin

**FARLEIGH WADA WITT** **Jeffrey A. Martin** joined the firm as an associate. He will concentrate his practice in the financial services sector representing credit unions, banks and other financial service providers on regulatory compliance, lending issues and operational matters.

## MBA First Thursday Social with Diverse Bar Associations

It may have been a gray and drizzly day outside, but inside Perkins Coie at the "First Thursday" social on June 3, things were lively and bright. Over 100 people attended the social event which was co-hosted by the MBA Membership Committee and Perkins Coie, along with state and local bar associations that support and celebrate diversity in the legal profession. Because of its success, we hope to make it an annual event.

The co-sponsoring organizations were Oregon Asian Pacific American Bar Association (OAPABA), Oregon Gay and Lesbian Law Association (OGALLA), Oregon Hispanic Bar Association (OHBA), Oregon Minority Lawyers Association (OMLA) and Oregon Women Lawyers (OWLS). Attendees of the social were treated to wine, beer and light finger foods before heading out into the Pearl district to enjoy the art galleries.



Attendees enjoying the First Thursday Social

## Tips from the Bench

By Judge Stephen K. Bushong, Multnomah County Circuit Court.

### Using ORCP 45 requests for admission to establish the authenticity/admissibility of trial exhibits

Identify the documents you might want to use as trial exhibits well in advance of trial. Do not wait until the eve of trial to begin assembling your trial exhibits; by then, it is too late. As soon as you can identify your potential trial exhibits, serve a request for admissions asking opposing counsel to admit that (1) each document is authentic, and (2) each document qualifies for admission under an exception to the hearsay rule (as a business record, for example).

If opposing counsel refuses to make the requested admissions, you may need to take one or more depositions to establish the authenticity and admissibility of the document (or subpoena one or more records custodians for trial). And then ask the trial court to award the expenses you incurred in making the necessary proof, as provided in ORCP 46 C. Under that rule, the court “shall” award expenses unless the request was objectionable, the admission sought was not important, the opposing party had reasonable grounds to believe that the records were not authentic/admissible, or there were other good reasons for the failure to admit.

If you are on the receiving end of such a request, consider it carefully before responding. Do not automatically object on the grounds that there are more than the 30 requests, including subparts, allowed by ORCP 45 F. Many judges will find good cause for additional requests if they are designed to reduce the expense of litigation and avoid wasting valuable trial time on authenticity and foundation issues that are not really in dispute. Do not automatically deny requests on the grounds that you (and your client) do not know whether a document that appears to be an authentic business record of a nonparty is in fact an authentic business record.

Yes, the rule allows you to avoid a request on the basis of lack of information in some circumstances (see ORCP 45 B), but what are you really accomplishing? Is it in your client’s interest to force opposing counsel to depose or subpoena records custodians to establish authenticity and admissibility (thereby risking liability for expenses under ORCP 46 C)? Is that consistent with the standards of professionalism in this community? In my view, it is appropriate to deny such a request only when you have good faith reasons for questioning the authenticity or admissibility of the documents at trial. If you



don’t plan on challenging the authenticity or admissibility of the document, you should admit the request. And if your only objection is relevance, you should admit that the document is authentic and qualifies for admission under an exception to the hearsay rule and reserve the relevance objection for trial.

### Agreeing to reasonable requests for extension - don’t forget the judge!

Most lawyers in this community will grant a reasonable request by opposing counsel for additional time to respond to a pleading, motion or discovery request. Agreeing to such requests is expected under our standards of professionalism. But don’t forget to notify the judge. If the extension means that a reply brief will be due after the scheduled hearing, the hearing will need to be rescheduled. Even if the extension will not require rescheduling the hearing, the judge may be coordinating his or her workload expecting to receive briefs within the times established by the rules. An agreed extension could affect the judge’s ability to fully prepare for the hearing.

### Torturing the jury

Sometimes counsel cannot resist the temptation to spar with opposing counsel - or a witness - over some point, no matter how insignificant it may be. When that happens, the lawyers’ jousting can take over the courtroom, and the jury seems like an afterthought. Trial lawyers sometimes repeat the same points over and over and over, hoping that the repetition will help the jury “get it.” Some call it “beating a dead horse.” I call it “torturing the jury.” The jury is a captive audience; they are forced to witness the spectacle. Don’t torture them with unnecessary sparring or needless repetition. They get it! The most frequent comment I hear from jurors after a civil trial is that they felt like the lawyers were insulting their intelligence by repeating things so many times. Most judges allow juror questions; those questions will let you know if the jury is unclear about something. Pay attention to your jury; don’t torture them.

## Profile – Judge Katherine Weber, Clackamas County Circuit Court

By Andrea Anderly, Gevurtz Menashe et al and Court Liaison Committee member.

When you first encounter Judge Katherine Weber, newly appointed by Governor Kulongoski to the Clackamas County Circuit Court bench in January 2010, you immediately notice her enthusiasm and then the mass of curly red hair that frames her face. She is an avid bicyclist, known to tour the region with her husband, attorney Skip Winters, and her son. Though she works hard to achieve balance between her professional life and her family life, she makes it look easy.

I first met Judge Weber in 1999 when I joined the law firm of at Gevurtz, Menashe, et al. At that time, Judge Weber was an associate attorney diligently tackling the variety of issues that arise in a family law case while balancing the duties caring for the couple’s 2-year-old son. Her energy is amazing. Not only did she tackle the demands of a busy law career and family life, she and her husband often spent their weekends, depending on the weather, touring the area by bicycle with their son in tow. As a group, they’ve completed many local rides and five Cycle Oregon tours.

Judge Weber graduated from the University of California, Berkeley in 1990 with a BA in political science and Spanish. She moved to Oregon in 1991 and enrolled in Willamette University College of Law, where she received her JD in 1994 along with a Certificate of Dispute Resolution. Weber

worked for a couple of years for Linda Friedman Ramirez in Portland. She also worked with Multnomah Defenders, Inc, from 1995-1999 as a misdemeanor staff attorney before she came to work at Gevurtz, Menashe et al for two years, 1999-2001. Her experience at the firm provides her insight to the broad expanse of issues, both legal and emotional, raised in most family cases. Though family law offers many opportunities for courtroom appearances, she soon found she needed and wanted more litigation experiences.

Judge Weber opened up her sole practice in Clackamas County in 2001 focused on representing criminal defendants. Soon, she became a member of the Clackamas Indigent Defense Corporation, handling a sizeable court-appointed indigent caseload in Clackamas County. She also represented defendants in all level of homicide cases. After a few years, she became qualified as lead counsel on death penalty matters, in part, by working as “second chair” to criminal defense attorney, Tim Lyons, now deceased, in an aggravated murder case tried through the penalty phase in Multnomah county. She also handled manslaughter and murder cases in Multnomah, Clackamas and Umatilla counties. In addition, she continued to represent clients charged with DUII’s, property crimes, domestic violence, person



felony and sexual abuse. She also represented persons involved in stalking protective order and family abuse restraining order cases as well as defendants with serious mental health problems. Weber is quite comfortable and competent in the courtroom. As a litigator she was prepared and knowledgeable on the facts and the laws relevant to her clients.

Judge Weber knows how important it is to listen to others and when to ask a question or two. She is a professional with everyone she is in contact. Her strong negotiating and dispute resolution skills provide the ability to manage her courtroom and assist attorneys and litigants to resolve their issues in the presence of a fair and reasonable jurist.

It is apparent that Judge Weber understands that striving to achieve balance between her professional career and her private life is all important. She embodies the observations of Euripides: “The best and safest thing is to keep a balance in your life, acknowledge the great powers around us and in us.”

## Multnomah Bar Foundation’s Statistics on Civic Education

Only 5 percent of graduating high school seniors could explain the US political system’s checks on presidential power, and only two thirds had at least a basic understanding of the system and its functions.

~2006 “Nation’s Report Card” on civics, National Center for Education Statistics

There are gaps in young people’s knowledge of fundamental democratic principles and processes; as a result, many young Americans are not prepared to participate fully in our democracy now and when they become adults.

~ *The Civic Mission of Schools* 2002 report

Testimony delivered before the House Education Committee indicated that

voting practices and government and civic organization participation rates show a trend of less civic engagement by young people and by the general citizenry.

~ Oregon State Legislature’s Civics and Financial Education Task Force Final Report and Recommendations, October 1, 2008

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## New MBA Officers Elected One year terms begin July 1

**Sarah J. Crooks** (pictured on p. 1), Perkins Coie, was elected President. She graduated from the U of O School of Law in 1996. She practices in the areas of complex commercial litigation and consumer class actions and is admitted to practice in Oregon, Nevada and Washington.

Sarah's prior MBA service includes chairing the CLE Committee. She is president of the National Conference of Women's Bar Associations, secretary of the Lawyer's Campaign for Equal Justice and volunteers with the Classroom Law Project as a mock-trial judge. Crooks also volunteers as a State Girls' Mock Trial coach and is a volunteer attorney with Legal Aid Services of Oregon.

**Michelle S. Druce**, Wealthbridge Mortgage, Vice President, graduated from Willamette University College of Law in 1990. Her practice areas are residential mortgage lending and servicing, consumer credit and consumer financial services and is admitted to practice in Oregon and Washington.

Michelle has served on the MBA Board as treasurer and secretary and was president of the MBA Young Lawyers Section. She chaired the MBA CLE Committee and also serves as secretary of the OSB Business Law Section. She chaired the OSB Business Law Section Financial Institutions/ Commercial Finance Committee and she has been a commissioner on the ABA Commission on Domestic Violence.

**Lisa M. Umscheid**, Ball Janik, Vice President, graduated from Willamette University College of Law in 1992. She specializes in employment law, litigation and government law.

Lisa has been MBA Treasurer and Secretary and she chaired the MBA Equality Committee. She serves on the OSB Leadership College Advisory Board and the OSB Affirmative Action Committee. She is on the OSB Government Law Section Executive Committee and the Portland Center for the Performing Arts Advisory Committee.

**Susan Marmaduke**, Harrang Long et al, Secretary, received her J.D. from Berkeley Law in 1977. Her practice focuses on business litigation and appeals and is licensed to practice law in Oregon, California and Washington. Susan is chair of Harrang Long's litigation department, a member of the board of directors of the Oregon Association of Defense Counsel (OADC), a member of the OADC's amicus committee and the US District Court of Oregon's Local Rules Advisory Committee. She received the MBA Award of Merit in 2007.

**Steve Blackhurst**, Ater Wynne, Treasurer, graduated from the U of O School of Law in 1973. He is a firm partner and is in the litigation group.

Steve chaired the MBA Judicial Screening Committee; is a past commissioner of the Oregon Law Commission, past president and past director of the OADC. He is a past lawyer representative of the Ninth Circuit Judicial Conference and is a member of the ABA Litigation Section.



Michelle S. Druce



Susan Marmaduke



Lisa M. Umscheid



Steve Blackhurst

## Randall Kester - A Legacy of Professionalism

By Judy A. C. Edwards, Executive Director.

Starting with this issue, we begin a new series that will profile some of our local legal icons. We start with **Randall Kester**, our longest serving MBA member. In his 93 years, Kester practiced law or ruled on it for 66 of them, all while helping to raise three children, participating in many community activities and enjoying the outdoors in his leisure time.

With just a brief stint of 15 months on the Oregon Supreme Court as its 69<sup>th</sup> associate justice in the late 50s, and 20 years with Union Pacific, he otherwise practiced in the same firm. There have been several name iterations during Kester's time, Maguire, Shields and Morrison in 1940 when he joined them, adding Bailey and Kester to the register along the way and evolving into its present-day name, Cosgrave Vergeer Kester, a firm that is now in its 76<sup>th</sup> year. He primarily worked in the area of trial and appellate law, usually on the defense side. That same firm produced three MBA presidents, Kester (1956-57), Wally Sweek (1988-89) and Thom Brown (2007-08), as well as the new YLS president, Kimberly Griffith.



The Kesters enjoyed varied outdoor activities for many years. Nowadays indoor pursuits keep their minds sharp as ever.

When asked what his most memorable event or moment was in his career, he readily said that it had to be when he was appointed to the Oregon Supreme Court by then Governor Elmo Smith. That process started when Kester called the governor's chief counsel, Hugh Barzee, to remind him that the MBA had a committee that would assist the governor, if he wanted help, in selecting a successor to Hon. Walter Tooze, who died in December, 1956. The call could be considered routine, but it had an unexpected twist. Barzee replied: "Why don't we submit your name?"

Puzzled by why, if this was his most memorable moment in his 66 years in law, he chose to leave the court after just over a year, he responded by saying it was really just practical. The justice position "didn't pay much and we had three kids, and one with very big medical expenses" and so when the opportunity came about to become the General Solicitor for Union Pacific Railroad's Northwestern District, "the offer was too good to refuse."

His most enjoyable part of practicing law all these years has been the "intellectual stimulation of working on the question of law." Among the most interesting questions he dealt with were the Japanese exclusion cases, specifically *United States v Minoru Yasui*. The cases arose out of the presidential order excluding all persons of Japanese ancestry from certain zones along the west coast. Federal Judge James Alger Fee appointed a group of prominent Portland lawyers as amici curiae to assist on the constitutional question. Kester was one of the group, although he was relatively new to the practice. Yasui's own attorney was Earl Bernard, a prominent Portland lawyer. Most of the group believed that the order was invalid for citizens, although valid for aliens, and Judge Fee agreed, although he announced his decision without waiting for the amici curiae. Fee ruled that Yasui had forfeited his citizenship by doing some work for the Japanese consul, so he was convicted. Ultimately, the US Supreme Court upheld the exclusion order even for citizens.

We asked him what advice he would give other lawyers, both new and more experienced, he responded with, "be well prepared when going into court. The old adage of 'failure to prepare is preparing to fail' is true." He's seen "a lot of cases where attorneys were so hurried to make the calendar and get things done that they didn't prepare thoroughly enough and something happened. Finding time to prepare and doing it thoroughly



Rachel and Randall at an MBA event

detracts from personal time." He found that it wasn't unusual to work weekends, and at times all night to get a brief prepared for Monday morning. "It's part of the game; be prepared to spend that kind of time or you shouldn't be in the business in the first place."

However, we know that he still took time to enjoy outdoor activities, including hiking and mountain climbing, not only in the Cascades, but elsewhere. He and his wife Rachael, hiked, canoed, camped and power boated and especially enjoyed whitewater rafting on the Deschutes, Clackamas and upper McKenzie rivers. Their children are grown and they have one grandchild, an artist.

His community activities were many and varied, and included serving as president of the Portland Chamber of Commerce, City Club of Portland, the Mt. Hood Ski Patrol, the Mountain Rescue and Safety Council of Oregon and board member of various others.

Finally, some of the things that impress me most about Kester are his calm, serene temperament, the twinkle in his eye and a smile with a great chuckle. But most importantly it's his professionalism. He is a recipient of the MBA Professionalism Award (1991) and when asked what he thinks professionalism means, he responded with the following. "Professionalism has defied concise definition, but most people would agree to what a US Supreme Court Justice once said about pornography: 'I may not be able to define it, but I know it when I see it.'"

Please join me in congratulating Randall Kester on his long, successful career as a lawyer and his legacy of professionalism. Although he is now retired from practicing law, his legacy will last for years to come. He can still be reached through Cosgrave Vergeer Kester, 805 SW Broadway 8th Flr, Portland OR 97205.

## Pro Bono Spotlight: Nelson D. Atkin II

By Emily Aanestad, The Larson Law Firm, P.C.

Nelson D. Atkin II has dedicated an extraordinary amount of time supporting and aiding various arts programs in Portland including the Portland Opera, Oregon Ballet Theater, Oregon Symphony, and Oregon Children's Theatre, some for over 25 years. His dedication and leadership to these organizations is not only admirable, but vitally important to the arts community.

In 1985, Atkin began donating time and expertise to the Portland Opera. Throughout the following 12 years he added the remaining organizations to his list of pro bono clients. He consistently works with each organization to organize business goals, review and offer advice on employment issues and union contract administration, and provide legal assistance in union negotiations with musicians, singers and stagehands.

Atkin, a founding partner of Barran Liebman, a firm focused on employment, labor and benefits law, feels fortunate that his areas of legal practice coincide with the pro bono opportunities most

important to him. His legal background and proficiency in the area of employment law makes him uniquely qualified to offer the best advice and assistance possible to these organizations. Atkin's primary area of practice is labor law and representation of employers in union organizations, unfair labor practice charges, and collective bargaining. In addition, he previously chaired the OSB Labor and Employment Law Section, and is an active member of the ABA's Labor and Employment Law Committee.

Atkin's simple advice to other attorneys hoping to follow in his footsteps ... get involved! Blend your interests with your skills and enjoy your pro bono work. Put your expertise to use for those who need it most. All arts organizations have employees (whether unionized or not) and all need the services of employment lawyers. Arts organizations are often overlooked by attorneys wanting to offer pro bono assistance, however, they are fundamentally important to our community. How did Atkin form his pro



bono connections? He cites the Business for Culture and the Arts (BCA) as a valuable place to learn about the needs of arts organizations and possible pro bono opportunities.

Equally important, Atkin recommends volunteering for an organization whose work is significant to you. He not only provides a valuable service to these organizations, he is motivated by assisting groups he personally values and supports. To him, after putting in a hard day's work, there's nothing better than attending one of the performances put on by an organization he helped.

## Discussion on Alternative Fee Agreements

### Alternative to Billing by the Hour

By Collin C. McKean, YLS Futures Committee Co-Chair.



Jonah Paisner (Solo). Aaron Bals (Harrang Long Gary Rudnick), a member of the YLS Futures Committee, moderated the discussion, asking panelists when and why they use AFAs in their practices, if there are situations when AFAs do not work well, how they price their services and in what practice areas they have found the best success with implementation of AFAs.

The topic of AFAs seems to be en vogue in legal industry magazines and blogs - and with some clients. The panelists provided explanations from their personal experiences, such as the ability of legal consumers to transfer outcome risk, the increased ability to predict legal expenses for consumers and marketing opportunities for attorneys who use AFAs. These benefits have led members of our panel and other Oregon attorneys to explore decoupling from the comfort of the billable hour in certain legal matters. The current economy is no small factor in this trend, because a common reason for negotiating an AFA is to reduce the risk of unplanned for legal expenses. By incorporating success fees, risk collars, regressive hourly fees, etc. into the pricing of services, consumers of legal services are increasing the predictability of legal fees while transferring a portion of the risk to the attorney. Some attorneys, in turn, are finding opportunities to increase their profitability under these agreements by increasing efficiencies in the

way they practice, and by obtaining beneficial and quick resolutions to their client's legal disputes. In other words, these attorneys are working with "skin in the game," because if they are inefficient they may end up working for lower per-hour fees.

Although it is far from clear that the billable hour's dominance is in danger, changes to the billable system could cause growing pains for some firms. One obstacle to implementation of AFAs in some existing firm structures is the way firms evaluate and compensate attorneys, which is usually based on their hourly contributions. Firms may struggle to find new means to assess and measure successful performance by attorneys, particularly newer associates.

If you did not attend the panel discussion, you may access the discussion (and receive MCLE credit) by visiting [www.mbar.org/YLSFuturesCommittee.htm](http://www.mbar.org/YLSFuturesCommittee.htm) and viewing a video recording of the discussion, along with sample fee agreements that panel members generously shared. All viewers may claim one hour credit of general practice skills MCLE.

We encourage you to review the electronic version of this article on our website, and to provide your own feedback to the discussion on AFAs using the Comment function included on our web page.

How are legal services being priced today - and how will they be priced in the future? On April 28, the YLS Futures Committee invited a diverse group of practitioners to discuss how they price their legal services and how they've made those decisions. The topic of the panel discussion, Alternative Fee Agreements (AFAs), begs the question: "alternative to what?" Billing by the hour is probably the most common, expected and basic method of pricing legal services. However, alternatives to billing by the hour are increasingly being considered by some legal professionals and consumers of legal services for a variety of reasons, including the inherent tensions between achieving billable hour goals and achieving affordable and appropriate representation for clients.

Our panel included Sally Fraser (Standard Insurance), Edward Simpson (Samuels Yoelin Kantor), Jason Hirshon (Slinde and Nelson), Shiela Fox Morrison (Davis Wright Tremaine), and



## New YLS Officers Elected

### One year terms begin July 1

**Kimberly R. Griffith**, Cosgrave Vergeer Kester, is YLS President and in that position also serves as a new MBA Board Director. She graduated from Lewis & Clark Law School and was admitted to the OSB in 2004. She is a commercial litigator and was previously a judicial clerk for the Hon. Malcolm F. Marsh of the US District Court for the District of Oregon. Griffith has served on the YLS Board since 2008 and has been a YLS member since 2004. In that time she chaired the YLS Professional Development and Education Committee, served as the Local Affiliate Liaison to the ABA and volunteered her time to Legal Aid and the Classroom Law Project, the YLS Imprint Program and as a mentor at Lewis & Clark Law School.

**Nicholas A. Kampars**, Davis Wright Tremaine, YLS President-Elect, graduated from Willamette University College of Law and was admitted to the OSB in 2006. He practices in the areas of employment and commercial litigation. Kampars was a member of the YLS Pro Bono Committee in 2007-08, coordinated the Attorneys for Youth and Outside In projects for that committee, and also served as a member of the Legal Aid Services of Oregon - Oregon Law Center's Pro Bono Committee. He was also a member of the Board of Directors for the Campaign for Equal Justice

during 2009-10. He served as Treasurer for the YLS last year.

**Jennifer A. Durham**, Hiefield Foster & Glascock, secretary for a second term, graduated from Lewis & Clark Law School and was admitted to the OSB in 2005. She is a trial lawyer practicing in the areas of personal injury, construction defect and products liability defense. Durham was on the YLS Service to the Public Committee from 2005-08, and served as chair of the committee in 2007-08. She is also an inaugural member of The YOUTHFILM Project and chaired the YLS Community Law Week in 2006-07. Durham is on the Board of Directors of the Mt. Scott Alternative School and is the publication liaison for the Oregon Association of Defense Counsel's product liability section.

**Lainie D. Decker**, Stoel Rives, treasurer, graduated from the University of Washington School of Law and was admitted to the OSB in 2004. She is an associate in the labor and employment practice group. Decker was a member of the YLS Service to the Public Committee in 2006-07, a founding member of The YOUTHFILM Project, and chaired The YOUTHFILM Project Committee in 2007-08. She is a volunteer with the YLS Imprint Program.



Kimberly R. Griffith



Jennifer A. Durham



Nicholas A. Kampars



Lainie D. Decker

# Multnomah Bar Foundation Asks for Your Help

Subject: Please help us increase and improve civics education and public participation!

Dear Friends,

The Multnomah Bar Foundation (MBF) is working to increase civics education and participation across a broad spectrum of citizens through grants to nonprofit organizations and the development of a new signature project that will have a far reaching impact in our community. To allow us to continue this important work, the MBF has set a goal of raising \$100,000 this year for the MBA 100<sup>th</sup> Anniversary Community Gift Fund. The MBA board has pledged \$5,000 per year for three years.

**Need for Civics Education** Only 5% of graduating high school seniors could explain the US political system's checks on presidential power, according to the National Center for Education Statistics "Nation's Report Card" on civics. The Oregon Civics Survey found that only 25% of high school students can name Oregon's two U.S. Senators; 23% think Ted Kulongoski is one of the two.

Civics education does not end in high school. Oregon's legislative system, including the initiative and referendum, affects all citizens. It is crucial for Oregonians to be well-informed, yet statistics show increasing numbers are disengaging from basic civics and political processes, including voting and staying informed about public issues.

**MBF Grants Program** Since 2006, the MBF has made grants totaling over \$137,000 to nonprofits whose programs or projects increase civics education and public participation, spanning all ages, from elementary school children to senior citizens, and covering a wide variety of topics. You'll find more information in the enclosed insert.

**Signature Project** The MBF has earmarked \$50,000 to develop a series of civics education programs and videos that will focus on democracy issues and reach a statewide audience. Please see the insert for details.

**Contributions** The MBF is a 501(c)(3) nonprofit organization. Your tax deductible donation entitles you or your firm to gain visibility in a variety of ways. The enclosed donor benefits form offers detailed information.

We'd like to talk to you about the MBF's dedication and passion for civics education and will follow this letter with a phone call. Our firms have contributed to this important cause and we hope we can count on your support.

Thank you.

Very truly yours,  
Thomas C. Sand  
MBF President

Edwin A. Harnden  
MBF Development Committee Chair

## PRO BONO VOLUNTEERS

Thanks to the following lawyers and law students, who donated their pro bono services in May 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](http://www.mbabar.org/docs/ProBonoGuide.pdf).

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Richard Brownstein  
Jon Buckland  
Robert Carlton  
Brett Carson  
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Kathleen Cushing  
Lindsay Dickston  
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#### Multnomah Bar Association 100<sup>th</sup> Anniversary Community Gift Fund Donor Opportunities

Promoting civic education and participation

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Benefit Levels	Partner \$5,000 per year for 3 years	Benefactor \$2,500 per year for 3 years	Patron \$5,000	Friend \$2,500	Supporter \$1,000	Donor \$500
• Recognition in a display ad in <i>The Oregonian</i>	Most Prominent Recognition	Prominent Recognition	Recognition	List		
• Recognition in a display ad in <i>Multnomah Lawyer</i>	Most Prominent in 3 issues	Prominent in 3 issues	Recognition in 3 issues	List in 3 issues	Named in 1 issue	Named in 1 issue
• MBA newsletter: One half-page display ad or firm profile (4500 circulation)	Yes					
• MBA newsletter: One 2 col x 6" display ad (about 1/8 of page/ 4500 circulation)		Yes				
• MBA newsletter: One 2 col x 4" display ad			Yes			
• Use of Multnomah Bar Foundation logo	3 years	3 years	1 year	1 year		
• Framed commemorative certificate	Yes	Yes	Yes	Yes	Yes	
• Recognition in MBA Annual Report	Most Prominent	Prominent	Pronounced Listing	Listing	Listing	
• <u>Event</u> : Recognition in celebration event invitation	Most Prominent Recognition	Prominent Recognition	Recognition	Listing	Listing	
• <u>Event</u> : Firm/Company logo shown in the celebration event program	Most Prominent Logo	Prominent Logo	Recognition Logo	Listing	Listing	
• <u>Event</u> : Tent cards on food and drink tables	Most Prominent, all tables	Prominent, all tables	Listing	Listing	Listing	
• <u>Event</u> : Special signage, including firm/company logo	Single board	Most Prominent	Prominent on List	List	List	
• <u>Event</u> : Verbal recognition from event speaker	Yes	Yes				
• <u>Event</u> : Special ribbon nametags	All firm attendees	All firm attendees	5	3	1	



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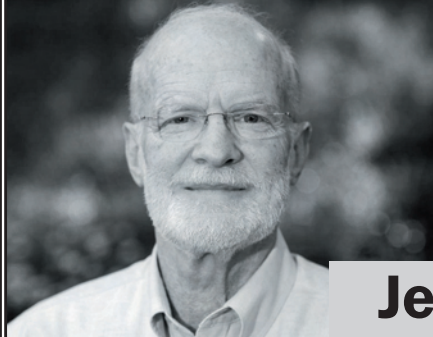
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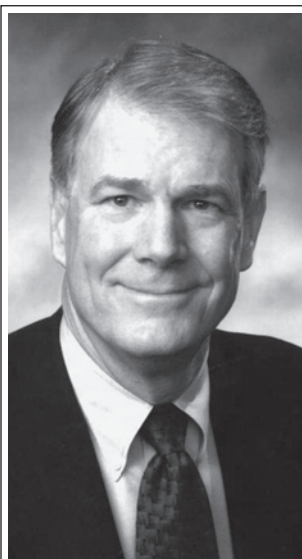
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# What Are You Doing With My Money?!

By Pamela B. Hubbs, Office and Foundation Administrator.



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

So glad you asked! This is an exciting time in the young life of the Multnomah Bar Foundation (MBF) as it works to increase civic education and participation through grants to nonprofit organizations and in the development of a new signature project that will reach a statewide audience.

Thanks to the generosity of the legal community, the 100<sup>th</sup>

Anniversary Community Gift Fund has granted \$137,000 to local nonprofits. To continue this important work, the MBF has to refill its coffers and has set a goal of raising \$100,000 this year. The MBA Board has pledged \$5,000 per year for three years.

### Looking back

**Bus Project Foundation** received \$14,000 for their new program, PolitiCorps Community Training Initiative; **Classroom Law Project** was granted \$68,700 for their “We the People” project and Youth Summits; **Elders in Action** was awarded \$24,000 for their new Civic Education Awareness

Project; **League of Women Voters Portland and Oregon** received a combined \$14,491 for their Student Leadership Initiative, Oregon Student Mock Election and nonpartisan *Voters’ Guide* and Candidate/Ballot Measure forums; **MetroEast Community Media** was granted \$5,000 for their new project, Community Involvement is Civic Engagement; **OSB Constitution Section** received \$5,000 for an Oregon Constitution DVD; and **YLS YOUthFILM Project** was awarded \$6,000 for the civics-themed annual student filmmaking contest.

### Looking forward

A new signature project is on the horizon! The MBF is working with **MetroEast Community Media** to develop a civic education video series that will focus on democracy issues such as being an informed voter, civic engagement, calming civil discourse, what goes on in a courthouse and rule of law. The videos will be broadcast statewide, distributed to schools and featured on YouTube, the MBA and ProtectOregonCourts Web sites, with links from educational, civic organizations and news media Web sites. The MBF has earmarked \$50,000

for the new project and is partnering with **Bus Project, City Club, League of Women Voters of Portland and Urban League** to develop the program content. The MBF and the 100<sup>th</sup> Anniversary Community Gift Fund will be acknowledged on the videos and in all promotion.

It just keeps getting better and your support makes it possible!



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