



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

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

March 2010 Volume 56, Number 3

MBA Member Román Hernández in the Spotlight as Hispanic National Bar Association President

By Leslie Kay, MBA President.

Román, you are midway through your term as Hispanic National Bar Association President, what are the highlights so far?

Well, US Supreme Court Justice Sonia Sotomayor's nomination was confirmed by the United States Senate in August 2009, right before I assumed my post as president. Appointment of a Hispanic to the court had been a goal of the HNBA for 37 years. This occasion was momentous. As president of the association, I continue to actively advocate for Latino appointments to the judiciary and to government posts and to advance the association's legislative and advocacy agenda. I have been at the White House and on Capitol Hill and travel to D.C. roughly every month. And yes, I briefly spoke with President Obama at a reception in the White House. It has felt like I have come a long way from the onion fields where I labored as a youth.



Why do we need Latinos on the bench?

We need a diverse bench. Justice is enhanced by the diverse perspectives that come about because of one's background. Let me give you a poignant example. Justice Sotomayor authored an opinion recently in which she referred to individuals who reside here without immigration status as "undocumented" instead of as "illegal aliens" that had been used in prior Supreme Court precedent. [*Mohawk Ind. v. Carpenter*, 130 S Ct 599 (2009)]. This is the first time that the Supreme Court has unequivocally given us guidance on the appropriate term of usage. These individuals are not illegal, they are undocumented. I am in the process of writing an open letter to the state and federal judiciary on behalf of the HNBA asking the courts to follow the Supreme Court usage in their opinions, and to refrain from using the term "illegal alien" which is an objectionable term that has been used in the past to vilify and dehumanize Latinos.

What can you tell MBA members about the HNBA?

The HNBA is a nonpartisan national membership organization that represents the interests of more than 100,000 Latino lawyers, judges, law professors, legal assistants and law students. The mission is to advance Latinos in the legal profession. We are a bar association, not a civil rights organization. Our members represent diverse practice areas and work in large and medium size law firms, the nonprofit sector, government, the judiciary, corporate legal departments, law schools and as sole practitioners. We are Democrats, Republicans, and Independents. The HNBA is a vibrant organization to lead.

What is the legislative agenda of the HNBA?

The number one issue is the enactment of comprehensive immigration reform. The association has also prioritized judicial compensation and the allocation of sufficient funds to ensure that

there is an accurate population census. We have also sought support from members of congress for the halting of immigration raids during the census.

Does the HNBA take an actual position on immigration reform?

With immigration reform we seek to address the fate of 12 million undocumented individuals who currently live in the US and represent a permanent underclass of workers who exist in the shadows of our society. Their lack of legal status makes them easy prey for economic exploitation by unscrupulous employers who drag down wages and working conditions for everyone. For immigrants and their friends and families, the broken immigration system is more than an economic disaster. It destroys families and prevents millions of ordinary people from living up to their potential and fully contributing to our society. It is time to have legal recognition. The HNBA recognizes that comprehensive reform must include a combination of smart and effective border enforcement. Most importantly we want a clear path to citizenship.

What is the gender make up of the HNBA?

There are more men than women in the HNBA, like our profession as a whole. Last year the HNBA created a commission on the status of Latinas in the legal profession. It produced a landmark report. This year I am continuing the commission. I have appointed very successful co-chairs of that commission. There will be a major event in March in San Diego - our HNBA Corporate Counsel Conference. The CLE panel presentations will include representatives from the commission to talk about the glass ceiling that still exists for Latina lawyers. The conference is attended by counsel of major corporations. Major law firms and their managing partners also attend. These are the folks that need to hear about the glass ceiling issues.

It sounds like your firm, Schwabe, Williamson & Wyatt, has been supportive of your activities with the HNBA from the very beginning.

Yes, very supportive, I couldn't have done it without them. They have given me the time and financial support to do the job, and to do it right. I am extremely grateful.

The MBA invites you to sign on to the **Statement of Diversity Principles**. The statement was developed by the MBA Equality Committee and adopted by the MBA Board in April 2009. It presents an opportunity for all legal employers to publicly acknowledge their commitment to developing the diversity of the legal community in Oregon. The statement is offered as a vehicle to continue and expand upon our conversation about diversity in the bar. See page 3.

Leslie Kay

MBA CLE

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

March

Friday, March 5

Arbitrator Basic Training

Judge Edward Jones
Lisa Almasy Miller
Roy Fernandes
Bill Gibson

Tuesday, March 16

Expert Witness Direct & Cross Examination

Bill Barton
Dave Markowitz

Wednesday, March 17

New Child Support Legislation

Judge Maureen McKnight
Jean Fogarty

April

Thursday, April 8

Multnomah County Presiding Court Update

Judge Jean Maurer

Tuesday, April 20

MBA SmackDown - A Debate on the Vanishing Jury Trial

Hon. David V. Brewer
Michael Dwyer
Leslie Nori Kay
Dana Sullivan

Tuesday, April 20

Commercial Real Estate Leasing - The Changing Landscape

Daniel Drazan
Tom Smith
Renee Stineman

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5-8:30 pm

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*or the preceding Friday, if on a weekend.

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- Voltaire



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Statement of Diversity Principles

The Multnomah Bar Association and the signatories hereto remain committed to fostering diversity in the legal profession.

Diversity is an inclusive concept and encompasses, without limitation, race, color, ethnicity, gender, sexual orientation, gender identity and expression, religion, nationality, age, disability and marital and parental status. With greater diversity, we can be more creative, effective and just, bringing more varied perspectives, experiences, backgrounds, talents and interests to the practice of law and the administration of justice.

A diverse group of talented legal professionals is critically important to the success of every law firm, corporate or government law department, law school, public service organization and every other organization that includes attorneys.

We recognize that achieving diversity is an evolutionary process that requires a continued renewal of our commitment to strategies of inclusion. Diversity is not about quotas or different standards. Rather, the opportunity to increase diversity should be one important consideration in the decision making process. We want to hire, retain and promote our attorneys based on each of our unique criteria, while simultaneously maintaining our commitment to diversity.

We believe that all members of the bar should have the opportunity to participate equally and fully in our profession. To this end, we pledge to facilitate diversity in the hiring, retention and promotion of attorneys and in the elevation of attorneys to leadership positions within our respective organizations.

Visit www.mbabar.org/docs/DiversityStatement.pdf to sign the pledge.

It is with great appreciation and pride that the Multnomah Bar Association acknowledges the individuals and organizations that have publicly acknowledged a commitment to developing a more diverse legal community by signing the Statement of Diversity Principles.

Firms and Organizations:

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Continued on page 6

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.

March

4
Thursday, Campaign for Equal Justice reception and movie: *To Kill a Mockingbird*
Visit www.cej-oregon.org/movie.htm for details.

5
Friday, Basic Arbitrator Training
Visit www.mbabar.org to register.

6
Saturday, ACLU Foundation of Oregon Liberty Dinner
Visit www.aclu-or.org/LibertyDinner for details.

7
Sunday, Portland Center Stage presents Hitchcock's *The 39 Steps* followed by MBA sponsored discussion, led by Dana Sullivan
Visit www.pcs.org/39steps for details.

9
Tuesday, Bench, Bar & Bagels at Stoel Rives
Visit www.mbabar.org for details.

10
April *Multnomah Lawyer* deadline

12
Friday, OWLS Roberts-Deiz Awards Dinner
Visit www.oregonwomenlawyers.org for details.

16
Tuesday, YLS Board mtg

Tuesday, MBA CLE – Expert Witness Direct & Cross Exam
See insert or register at www.mbabar.org.

17
Wednesday, MBA CLE – New Child Support Legislation
See insert or register at www.mbabar.org.

Wednesday, MBA Health Insurance Open Enrollment Meeting at Hilton Hotel, 11:30 a.m. to 1:30 p.m.
See ad on p. 12 for details.

24
Wednesday, MBF Board mtg

April

1
Thursday, MBA Board election ballots deadline

6
Tuesday, MBA Board mtg

7
Wednesday, YLS Social & Brewery Tour
See p. 10 for details.

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

9
Friday, May *Multnomah Lawyer* deadline

13
Tuesday, YLS Board mtg

20
Tuesday - MBA CLE MBA SmackDown
See insert or register at www.mbabar.org.

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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

The (High) Costs of Discipline, Part 1: The Numbers



Many lawyers instinctively associate “law firm risk management” with efforts to avoid damage claims. That is certainly a key component of risk management. The PLF reported that in 2008 there were 903 new claims asserted against Oregon lawyers. The PLF also reported that the average cost per claim in 2008 for defense and indemnity payments was \$19,000. Those are significant numbers and we all shoulder that economic burden through our annual PLF assessment.

At the same time, lawyers sometimes forget that there are also very real economic costs with bar complaints. A complete risk management program, therefore, should also take into account internal policies aimed at lessening the risk of bar complaints. This month, we’ll look at the “cost” of discipline primarily in terms of defense costs. Although defined narrowly for present purposes, it is critical to stress that discipline can have other severe economic consequences ranging from direct costs, such as lost income during a period of suspension, to indirect costs, such as fewer referrals stemming from a diminished reputation. Moreover, unlike civil claims, most malpractice policies (including the PLF) do not cover defense costs for regulatory complaints. Therefore, a firm will usually bear the costs of discipline alone. After examining the cost of discipline this month, next month we’ll turn to the principal areas drawing regulatory complaints and suggest how risk management can be tailored to address them.

Incidence of Regulatory Complaints

As with malpractice claims, it is important to look at both the frequency and the severity of bar complaints in assessing economic cost. In terms of frequency, it is first important to appreciate how often bar complaints are filed against Oregon lawyers. The ABA’s annual disciplinary survey, which, in turn, is based on statistics provided by state bars and other state regulatory agencies (in those jurisdictions where state bars do not handle regulatory discipline), reported in 2008 (the last year for which the ABA statistics are currently available) that Oregon had 1,735 complaints for 13,550 active licensees. (Oregon’s number is based on the number of complaints filed with the OSB’s Client Assistance Office, which is the central intake point in our regulatory system.) This equates to roughly 13 complaints for every 100 Oregon lawyers. By contrast, the ABA reported that nationally

the incidence of bar complaints per lawyer is approximately eight for every 100. The incidence of bar complaints in Oregon is especially noteworthy when compared to our neighbors in Washington and Idaho. The comparable numbers in those states are, respectively, 8.5 complaints for every 100 Washington lawyers and 10.5 complaints for every 100 Idaho lawyers.

Severity of Regulatory Complaints

Turning to severity, Oregon again is well above the national average. Measured by the number of lawyers publically sanctioned, the ABA reported that Oregon had 101 in 2008 as against the national average of 65. Further, measured in terms of per capita formal prosecutions, Oregon’s ratio of roughly one for every 100 lawyers puts us at or very near (individual state reporting of this varies) the top nationally. Again for comparison, Washington and Idaho formally prosecuted their lawyers at per capita rates of, respectively, .28 and .29 for every 100.

The Cost of Discipline

Oregon’s disciplinary statistics are quite stark whether measured in terms of either frequency or severity: Oregon lawyers stand both a much greater statistical chance of having a bar complaint filed against them than our counterparts nationally and formal discipline here is both pursued and imposed at a much greater rate as well. Moreover, the number of bar complaints filed in 2008 (1,735) was nearly twice the number of malpractice claims asserted (903). In short, firms here would be remiss if they did not include avoiding regulatory complaints as a key element of risk management.

The PLF reports that it spent an average of \$9,000 per claim in 2008 for defense costs. No similar statistics are available for the defense of bar complaints - in part precisely because that risk is not typically insured. Further, because regulatory complaints are usually not insured, some lawyers defend themselves while others hire outside counsel. Even those who defend themselves, however, incur the real economic cost of having time diverted away from other work. The OSB’s 2008 economic survey reported that the average hourly billing rate in Oregon was between \$250 and \$274. Taking the lower end of that range at \$250 and multiplying it against what is very likely an unrealistically low (in light of comparable malpractice experience) number of five hours per bar

ANNOUNCEMENTS

MBA Board of Directors Slate Announced

The MBA Nominating Committee announces its slate of new directors for the term of July 1, 2010–June 30, 2013. A profile of each candidate is included on p. 8 and a voting ballot will be sent to members.

- Martha J. Hodgkinson,**
Hodgkinson Street
- Samuel C. Kauffman,**
Garvey Schubert Barer
- Sheila H. Potter,**
Bullivant Houser Bailey
- Richard J. Vangelisti,**
Vangelisti Kocher

YLS Board of Directors Slate Announced

The YLS Executive Committee announces its slate of new directors for the term of July 1, 2010–June 30, 2013. A profile of each candidate is included on p. 9 and a voting ballot will be sent to members.

- William H. Glasson,**
Scarborough McNeese et al
- Sarah Petersen,**
Bullard Smith et al
- Duke Tufty,**
Davis Wright Tremaine

MBA Group Health Insurance Open Meeting

Learn more about MBA health insurance plans on Wednesday, March 17, 11:30 a.m.-1:30 p.m., Hilton Hotel, Broadway Rooms, 2nd Floor. See ad on page 12.

Lewis & Clark Mixer

Please join Queen’s Bench on Wednesday, March 3, from 5-7 p.m. in the lower student lounge

at Lewis & Clark Law School. Kellie Johnson of the OSB will speak on her career path and opportunities in the law. Free parking and appetizers and drinks will be provided.

OSB 17th Annual Litigation Institute & Retreat

Skamania Lodge, March 5-6 National speakers will address the topic of E-Discovery, including a recent New York District Court decision relating to sanctions for the failure to produce electronic data, and “Tips, Tactics and Practical Tales.”

The Friday evening dinner and presentation of the Owen Panner Professionalism Award is being presented to Nancie K. Potter.

Details at www.osbarcle.org/Brochures/2010/LI10.pdf. Information about scholarships is available from Melinda Thomas, 541.382.4331 or thomas@bljlawyers.com.

MBA CLE – MBA SmackDown

A Debate on the Vanishing Jury Trial at The Governor Hotel, 12-1:30 p.m. Please join the MBA for a lunch-time CLE on the vanishing jury trial on Tuesday, April 20 at noon. Registration details are available at www.mbabar.org.

Lewis & Clark Public Interest Law Project Auction March 6

Lewis & Clark Public Interest Law Project’s 20th annual auction theme is “One Hundred Grand.” Last year, the auction funded 15 summer stipends. Silent auction starts at

6 p.m. in the Legal Research Center of the law school. For more information, visit <http://law.lclark.edu/org/pilp>.

Redirect! Law & Order in the Theater

A partnership between MBA and Portland Center Stage invites attorneys to take part in post-show conversations around themes of law, liberty, justice and freedom. The last discussion of the 2009-10 season will be with Dana Sullivan following the matinee performance of *The 39 Steps* on Sunday, March 7. Visit www.mbabar.org for more information.

Queen’s Bench Luncheon

On March 9, Maggie Finnerty of the Lewis & Clark Small Business Legal Clinic will discuss what the clinic does and how lawyers can use its services. Luncheons occur the 2nd Tuesday of each month from 11:45 a.m.-1 p.m. in the upstairs loft of Rock Bottom in downtown Portland. The cost for the buffet is \$14.

Oregon Criminal Defense Lawyers Association Seminars

March 12: A Commitment to Excellence -New Post-conviction Standards & Strategies. March 13: From the Stop to the Trial - DUII Defense. OCDLA seminars are open to those directly involved in the criminal defense function. Visit OCDLA.org for details.

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complaint results in an economic cost (either in out of pocket defense expenses or the equivalent imputed to self-defense) of \$1,250 per bar complaint. In sum, even modest steps to avoid regulatory complaints can yield economic dividends.

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.

BODYFELT MOUNT
attorneys at law

BODYFELT MOUNT, LLP WELCOMES
BRYANA L. SACK & MICAH R. STEINHILB

Bryana L. Sack is a 2008 graduate of Willamette University College of Law and previously worked as a deputy district attorney and as a contract attorney for a civil litigation firm.

Micah R. Steinhilb is a 2008 graduate of Lewis & Clark Law School College and judicial clerk to the Honorable Rex Armstrong of the Oregon Court of Appeals.

Bryana and Micah join the firm as associate attorneys.

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MBA Group Insurance - Update

By Stephen J. Connolly, Garvey Schubert Barer and MBA Group Insurance Committee Chair.



The MBA health insurance program has a great deal to offer participating law firms. Unlike most "one size fits all" group insurance policies in which all of a law firm's employees are limited to a single insurance plan chosen by the law firm, the MBA health insurance program allows employees of participating firms to select their own plan from a menu of eight different plans offered by Providence and Kaiser. These alternative plans range from more moderately priced traditional EPO plans, to benefit-rich but more expensive PPO plans, to very low-cost, high-deductible, tax-advantaged health savings account plans.

All of the plans offered eligible MBA members under the MBA health insurance program are guaranteed issue, which means that no one can be turned down for coverage and there are no pre-existing condition limitations. All of the plans are, from an employer's perspective, easy to administer, in that the employer only receives one invoice, and only has to write one monthly premium check, even though its employees may participate in a multitude of different plans offered by different insurers. As an added benefit, Northwest Employee Benefits, Inc., which serves as plan administrator for all of the MBA's plans, provides COBRA administration for all participating law firms at no charge.

With health care costs rising faster than the rate of inflation, health insurance is becoming an increasingly large expense for law firms. The MBA recognizes this struggle and works very hard each year to keep the rate increases on its plans as low as possible. Rate increases are primarily due to increased health care costs (i.e., medical inflation), which are currently trending upward at almost 10% per year. Despite this upward trend, the average rate increase

for the Providence medical plans offered through the MBA program will be less than 9% this year, and the average rate increase for the Kaiser medical plans will be only 6%. There will be no rate increase, for the fourth year in a row, for the ODS dental plan offered through the MBA program, and a modest 1.88% rate increase in the VSP vision insurance plan.

The MBA added "alternative care benefits," which cover services for chiropractic, acupuncture, and naturopathic care, to all of its Kaiser medical plans last year. The MBA is also making such "alternative provider benefits" available through its Providence medical plans this year, with each law firm having the option of selecting, and adding, such benefits to the plans offered to its employees.


Disability Insurance


The MBA announced on January 1 that Standard Insurance Company will be offering (for a limited time only) individual disability insurance to qualified MBA members on a "guaranteed issue" basis, which means a very simplified underwriting process with no medical exams or request

for medical records. This is a great new benefit both for members who do not have group disability coverage through their law firm, and for members, who are covered under a group disability policy, but whose income exceeds the maximum benefits offered thereunder and, consequently, need supplemental coverage.

If you have any questions about the MBA health insurance program, you should contact our plan administrator, Northwest Employee Benefits, Inc., at 503.284.1331, or go to www.nebi.com. If you have any suggestions for the MBA health insurance program, you should contact the MBA Associate Executive Director, Guy Walden, at 503.222.3275.

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Statement of Diversity

Continued from page 3

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AROUND THE BAR



Adam C. Kobos

STOEL RIVES

Adam C. Kobos has been named a partner. He is a member of the tax section of the firm's business services group, where his practice encompasses a wide variety of federal and state tax issues.



Matthew Mues



John Kendall



Joshua Kennedy

BLUNCK & WALHOOD
Matthew Mues, John Kendall and **Joshua Kennedy** have become partners of the firm.

All three focus their practice on construction defect litigation, construction work-site injuries, construction liens, CCB claims, auto accident defense, premises liability, general liability and real property disputes.

LINDSAY HART ET AL
Paul Cosgrove, of counsel with the firm, has been named chair of the national board of directors for State Law Resources, Inc., an

international referral network of independent law firms that provide legal and regulatory strategy to clients across the country.



Edwin (Ned) C. Perry

TONKON TORP

Commercial litigator **Edwin (Ned) C. Perry** now chairs the litigation department. Perry joined the firm in 1984 and became a partner in 1991. His practice focuses on complex contract, construction and real estate disputes.



Stuart K. Cohen

**LANDYE BENNETT
BLUMSTEIN**

Stuart K. Cohen, a partner with the firm, has been elected chair of the Rotary Club of Tigard Foundation, Inc., which raises over \$20,000 annually to support local charitable initiatives and scholarships.

Cohen has been a partner with the firm since 1998. His practice focuses on homeowner association law, real estate transactions and development, business formations and transactions, high-technology business and computer and intellectual property.



Shirley D. Farmer

**STAHANCYK, KENT,
JOHNSON & HOOK**

Shirley D. Farmer is a new associate of the firm.



Kathryn Villa-Smith

GEVURTZ MENASHE ET AL

The Oregon Hispanic Bar Association awarded the 2010 Paul J. De Muniz Professionalism Award to **Kathryn Villa-Smith**, a firm shareholder specializing in family law, in recognition of her significant contributions to Oregon's Latino community.



Drew Hagedorn



Vanessa Lee



Andrea Schmidt

TONKON TORP
Attorney and lobbyist **Drew Hagedorn** is now of counsel in the firm's expanding government relations and public policy group.

Vanessa Lee and **Andrea Schmidt** are new associates in the business department.

CHENOWETH LAW GROUP

Toby Borst has become of counsel, to assist clients with corporate counsel services, real estate transactions, and estate planning services.

Ken Dobson joined the firm of counsel and brings with him seasoned trial advocacy in environmental, business, and real estate cases, with a special emphasis in contaminated sites, indoor air quality, landlord-tenant and construction defect litigation.

Megan Cook is a new associate.



Robert B. Miller

**KILMER, VOORHEES &
LAURICK**

Robert B. Miller has joined the firm. His civil trial practice includes advice and trial court advocacy in the areas of securities and investment claims, business formation and contract disputes, claims and defenses arising under ERISA pension and welfare benefits plans, individual life and disability insurance policies and general litigation and risk assessment.



Philip A. Rush

MARTIN, BISCHOFF ET AL

Philip A. Rush has been elected as managing partner. He will continue to concentrate his practice on product liability, aviation and other tort claims.



Mark Wada

FARLEIGH WADA WITT

Mark Wada has accepted an invitation to join the Equipment Leasing and Finance Association Legal Committee for a three-year term. He has extensive experience representing commercial lenders and equipment lessors in commercial loan and lease documentation, real estate financings, workout negotiations, portfolio acquisitions, collections and bankruptcy matters, and will work with other attorneys on the committee to address legal issues in the equipment finance industry.

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.

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Tips from the Bench Rule 21, Part 2

By Judge Leslie Roberts, Multnomah County Circuit Court.

“Lawyers spend a great deal of their time shoveling smoke.”

*Oliver Wendell Holmes Jr.
US jurist (1841-1935)*

Continued from February

A style of complaint seemingly better designed to obfuscate, than to delineate, the issues has a certain vogue. This is the lengthy, discursive and perhaps even literary description of a long series of facts in a section of the complaint that may be captioned, “Facts” or “Introduction.” This is external to any particular claim for relief. Then follows relatively short sections captioned first, second, etc. claims for relief each of which purport to incorporate wholesale, the entire short story which started the complaint, and append some conclusory statement (almost entirely in the form of conclusions of law or unhelpful quotation of statute or Restatement of Torts) which asserts that therefore, the plaintiff is entitled to damages for fraud, or breach of contract, or whatever.

Which of the many colorful circumstances and factual tidbits asserted in the long, introductory section actually contribute, or are asserted to contribute, elements of any particular claim are anyone’s guess. The court might believe one set of circumstances is supposed to be significant; the opposing party might think other factual assertions are supposed to contribute to a right; and the pleader may be regarding still other matters as being the load-bearing members of his structure. Any discovery



dispute breaks down into a dispute about what is really relevant or might really lead to relevant evidence, where the complaint itself makes no such distinction. Buried deep in a welter of perhaps colorful, but doubtless unessential detail may - or may not - be the essential elements of a claim. The pleadings do nothing to propel the case towards resolution. Because they do not go to a jury, and are more calculated to annoy and frustrate a judge than persuade one of anything, the no doubt very considerable work (i.e., billing hours) involved (and paid for by the client) does not advance anyone’s interest.

On the other hand, almost (but not quite) equally mischievous is the tactic of using motion practice to serve as a combination war of attrition and backhanded interrogatory barrage. One sees cases in which the moving party professes to be unable to discern the meaning of the pleading, and thus to require that it be made more

Continued on page 9



By Heidi Moawad, Multnomah County District Attorney’s office and Court Liaison Committee member.

Presiding Judge Report

The passage of Measures 66 and 67 has greatly reduced the likelihood of cuts to the judicial department budget. There is a possibility that the department will take a 2-3% cut due to the current forecast revenue shortfall and business energy tax credit impact; these two are estimated to create a \$187 million hole in the state general fund for the current biennium. It remains to be determined what action the legislature will take to address this shortfall. In a related matter, the fees and surcharges set by HB 2287 have helped to ease some of the reductions imposed by the legislature in June 2009 on the Oregon Judicial Department and on the Public Defense Services Commission, although the revenues have not been as high as were projected.

Judge Maurer asked the group if they knew whether or not the

new fee assessments were causing a change in filing practices; members in attendance were not aware of any changes.

Judge Kelly Skye’s investiture was February 4. She has been on the bench since December 2009. The east county courthouse project continues to progress and architects are currently designing for the functionality of the building. Judy Edwards reported that MBA representatives will meet with county commissioners to discuss county courthouses.

Washington County

Washington County Bar Association President Elizabeth Lemoine reported that Presiding Judge Thomas Kohl recently presented his “State of the Court” address, which included county-specific numbers and the chief justice’s summary of major impacts of budget cuts. This information was distributed

to the committee. Judge Mark Gardner is retiring very soon and his position will be filled as a result of a May election.

Spring Brownbag Set for May 7

The noon brown bag, “Time is of the Essence,” will cover filing matters that occur on short timelines. While it will cover the broad topic, some of the specifics will be how Judge Marshall runs the expedited motions docket, motions for recusal, TROs and so forth. It will be organized by Eric Dahlin and Elizabeth Knight.

Miscellaneous

The Multnomah County jury verdict reports from 2008 and 2009 are now available on the courts page of the MBA Web site.

Nominated for MBA Director

Four, three-year MBA director positions start July 1. A ballot will be sent to members.

Martha J. Hodgkinson, Hodgkinson Street, LLC, graduated from Lewis & Clark Law School in 1986 and was admitted to the OSB that same year. Her practice area is civil litigation, with an emphasis in construction, real estate, defense of public entities and design professionals; mediation and arbitration.

A presenter at MBA CLE seminars, Martha has also chaired both the MBA Judicial Screening and Court Liaison Committees. She has been a member of the MBA Professionalism Committee and served on the MBA Volunteer Lawyers Project Board. She is a past president of OADC.

Martha also regularly volunteers at her church and children’s schools.

Samuel (Sam) C. Kauffman, Garvey Schubert Barer, graduated from Willamette University College of Law in 1994 and was admitted to the

OSB that same year. His practice is in criminal defense, litigation.

Sam was YLS President in 2000-01. He also served on the MBA Professionalism Committee and chaired the YLS Service to the Public Committee. He is a member of the executive committee of the OSB Criminal Law Section and served on the board of Oregon Lawyers Against Hunger. Sam received the ACLU Foundation of Oregon Civil Liberties Award and the Oregon Chapter of the American Jewish Committee’s Learned Hand Award for his service to Guantanamo detainees. He also received his firm’s public service award.

Sheila H. Potter, Bullivant Houser Bailey, PC, graduated from the University of Colorado Law School in 1999; she was admitted to the OSB that same year. Sheila primarily practices business litigation, in the areas of corporate/shareholder and contract disputes.

Sheila is a current member of the MBA Court Liaison Committee. She served as vice-chair of

the MBA Judicial Screening Committee and chaired the MBA Professionalism Committee. She is a barrister member of the Owen M. Panner Inn of Court and is a member of OWLS and the Legal Writing Institute.

Sheila has served on the Neighborhood House Board of Directors since 2008.

Richard J. Vangelisti, Vangelisti Kocher LLP, graduated from Southern Methodist University Law School in 1995. He practices plaintiff’s personal injury law. He is admitted to practice in Oregon and Washington.

Richard is the current chair of the MBA Judicial Screening Committee, of which he has been a member since 2007. He serves as a mentor for the MBA Professionalism Committee’s Mentor Program. He is also a member of the Oregon Bench and Bar Joint Commission on Professionalism. Richard has previously served as president of the Oregon chapter of the Federal Bar Association and continues to



Martha J. Hodgkinson



Sheila H. Potter



Samuel (Sam) C. Kauffman



Richard J. Vangelisti

serve as a board member. He also served as a co-chair and lawyer representative to the Ninth Circuit Judicial Conference.

Profile – Judge Kelly Skye, Multnomah County Circuit Court

By Heidi Moawad, Multnomah County District Attorney's Office and Court Liaison Committee member.

When appointing his then General Counsel **Kelly Skye** to the seat vacated by Judge Kristena LaMar, Governor Ted Kulongoski stated, "Kelly has been thoughtful and thorough in her counsel to me over the years ranging from legal and policy advice to legislative advocacy and conflict resolution. Her patience and balanced temperament, along with her knowledge of the law and justice system at every level, prepare her to continue serving the people of Oregon as a circuit court judge. I am sorry to lose her counsel but the citizens of Multnomah County are gaining an exceptional public servant."

Judge Kelly Skye is a native Oregonian, having attended Sunset High School and the U of O. She was drawn across the country to Northeastern University School of Law because of its excellent public interest law program.

Shortly after graduating from law school, Judge Skye returned to her home state and began to work in the Portland office of the Metropolitan Public Defenders. While there, Judge

Skye handled all types of cases, from misdemeanors and felonies in the adult system, to juvenile delinquency and dependency cases. She represented clients involved in civil commitments, the STOP drug court and community courts as well. Her accomplishments led her to be promoted to a senior attorney at Metro, and ultimately to chief misdemeanor attorney, where she was responsible for training and supervising certified law students and misdemeanor lawyers who were generally new to the practice of law. During this time, Judge Skye was also an adjunct faculty member at Lewis & Clark Law School teaching the criminal clinical internship seminar.

It was also at Metro that Judge Skye met her husband, Judge Christopher Larsen. Judge Larsen now serves Multnomah County as a referee. Judges Larsen and Skye have two children.

During the 2003 and 2005 Oregon legislative sessions, Judge Skye took some time off from trial work and lobbied on behalf of the Oregon Criminal Defense Lawyers

Association. The 2003 session was famous for being Oregon's longest session to date. In 2005, Judge Skye worked with members of the House and Senate Judiciary Committees on key pieces of legislation including the methamphetamine packages and codifying new sentencing laws in light of the United States Supreme Court's ruling in *Blakely v. Washington*.

Not long after the 2005 session, Judge Skye was hired by Governor Kulongoski as deputy general counsel. Within two short years, she was general counsel. Judge Skye was a member of the Governor's executive team, meeting with him regularly to discuss executive policy and budget issues. Day-to-day responsibilities included providing legal advice to the governor and his staff on a broad range of issues including constitutional executive authority and separation of powers, ethics, political restrictions on public employees, and public records and meetings laws. She worked with the Department of Justice to monitor and direct major state litigation of particular interest

to Governor Kulongoski. Judge Skye was responsible for drafting executive orders, reviewing legislation (recommending bills for signature), overseeing the state's extradition program, clemency application processes, and the appointment processes for judges and district attorneys.

She also sat on the Governor's Homeland Security Council and the Office of Administrative Hearings Oversight Committee. She speaks fondly of many of the projects she worked on while at the governor's office, but a few really stood out during the interview. First, she was the governor's liaison to Oregon's nine federally-recognized Indian tribes. As a tribal member herself, Judge Skye thoroughly enjoyed meeting all of the tribal leaders in the state and working with them on varied policy areas from tribal gaming to hunting and fishing rights as well as jurisdictional issues.

Judge Skye staffed the Governor's Task Force on Equality, assisting in drafting their final report and the two bills the task force



sponsored - HB 2007 creating domestic partnerships and SB 2, prohibiting discrimination on the basis of sexual orientation. She also worked with the legislature on reforms to state ethics laws and updating the Oregon Tort Claims Act after *Clarke v. OHSU*.

In her spare time Judge Skye enjoys skiing, hiking, camping, running rivers, reading, coaching her kids' soccer teams and running. She ran (and finished!) the Eugene marathon in 2009.

When asked what an attorney appearing before her for the first time should know, Judge Skye was thoughtful and remembered the advice she used to give to the attorneys she supervised at Metro. "Nothing is more important than always acting with professionalism - all you have is your integrity."

Tips from the Bench

Continued from page 8

definite and certain (ORCP 21 D), because of some minor variation in terms used from paragraph to paragraph - a "car" versus a "vehicle," perhaps. Either this is disingenuous or the exhibition of an abnormal level of paranoia. Does the movant fear that at the moment of trial it will prove that plaintiff is complaining of being struck by an airplane? It is hard to believe this is more than an attempt to harass the other lawyer and waste time.

In the same way, the pleader may move to strike a stray unnecessary adjective or two. Yes, they are unnecessary and strictly speaking ought not to be there. But no, tidying up to this degree is not worth anyone's time where the purpose of outlining the essential bones of the case has been satisfied.

Finally, there is sometimes a desire displayed to parlay the terms of ORCP 21 D into a lever to force the opposing party to in fact do what the rules prohibit: plead evidence, and thus answer the movant's questions about witnesses, timing, articles of damages, and so on. For good or ill, the rules do not provide for such interrogation. Once the purpose of showing the facts that constitute the factual elements of the claim, all that can fairly be asked of the pleading has been provided.

If in each instance, the party drafting a pleading asks whether he or she has written as succinct, "plain" (ORCP 18) and simple statement of each factual element of the claim as possible, and each party receiving the pleading asks whether that party can understand from the document the ultimate facts that the other claims

exist, then the answers should reveal whether a Rule 21 attack on the pleading is merited. For my part, I will say that those are the questions I ask when I consider whether such a motion should be granted.

As a postscript, please be aware that this essay considers only the major categories of Rule 21 motions against the form of the pleadings. Famously, Rule 21 motions against the form of the pleadings, whether as motions to strike, to make more definite and certain, or the dismiss for failure to state a claim for relief, address only the face of the pleading. The ruling assesses not the truth or falsity of any allegation, but only whether the manner in which the pleading is set out satisfies the rules.

In contrast, other motions are available within ORCP 21 which consider the factual merits of venue, jurisdiction, sufficiency of process, adequate joinder of parties, and similar concerns which go beyond the face of the pleadings. In those types of motions, the parties are bound (at their peril) to introduce evidence of the real circumstances, and the court is entitled to consider that evidence and decide summarily whether (for example) the defendant does indeed reside within Multnomah County, and whether, in fact, there is indeed some other proceedings pending, or the like. ORCP 21 C. It has happened that lawyers may be confused by this distinction and appear at a motion hearing, happily confident of having asserted, in good form, the elements of jurisdiction (for instance), only to find that to be inadequate to avoid an order dismissing the complaint at the instance of a defendant who has thoughtfully provided an affidavit denying the facts alleged.

Nominated for YLS Director

Three three-year positions start July 1. A ballot will be sent. Only YLS members may vote for YLS Directors.

William H. Glasson graduated from U of O School of Law and was admitted to the OSB in 2007. He is an associate at Scarborough McNeese O'Brien & Kilkenny, PC and practices in the areas of business, health, estate planning and intellectual property. Will has been a member of the YLS Pro Bono Committee since 2007 and currently serves as chair of that committee. He is also a member of the ONLD CLE Committee and volunteers with the LASO VLP Bankruptcy Clinic and the YLS Imprint Program.

Sarah Petersen graduated from Lewis & Clark Law School and was admitted to the OSB in 2008. She is an associate with Bullard Smith Jernstedt Wilson and practices in the areas of labor and employment. Sarah has been on the YLS Futures Committee since 2008, currently serving as co-chair of that committee. She is also a member of OWLS, serves as chair of the Holy Redeemer Catholic School Finance Committee, is a member of the Holy Redeemer Strategic Planning Committee and Parish Finance Council and is a St. Mary's Academy volunteer.

Duke Tufty graduated from Lewis & Clark Law School and was admitted to the OSB in 2007. He is an associate with Davis Wright Tremaine LLP and practices in the areas

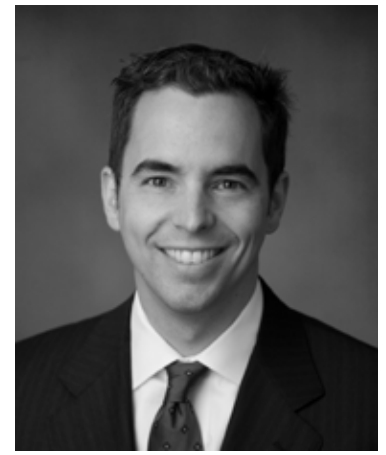


William H. Glasson



Sarah Petersen

of hospitality and alcohol regulatory law. Duke has been a member of the YLS Professional Development and Education Committee since 2006 and currently serves as chair of that committee. He is also a participant in the Portland Business Alliance "Leadership Portland" program, volunteers with the Lewis & Clark Small Business Legal Clinic, is a member of Sunrise Toastmasters and serves as a mentor through Lewis & Clark Law School and the MBA.



Duke Tufty

Bench Bar and Bagels Tuesday, March 9, 7:15-8:15 a.m.

Join us for a morning networking event at the law offices of Stael Rives (900 SW 5th Ave.). Meet with your colleagues and members of the judiciary for light breakfast pastries and coffee. This event is offered at no cost to MBA members, judges and members of sponsoring firms. Non members: \$5.

Special thanks to our sponsors: Bullard Smith Jernstedt Wilson and Stael Rives. Please RSVP to Kathy Maloney (kathy@mbabar.org).

OSB Sustainable Future Section

By Eva Marcotrigiano, Staff Counsel for Travelers and YLS Futures Committee member.

As you may know, the OSB now has an official section charged with focusing on sustainability issues. In 2007, at the urging of Oregon Lawyers for a Sustainable Future, the Board of Governors appointed a task force to define the bar's relationship with sustainability. On October 30, 2009, the OSB Sustainability Task Force recommended an initial scope of activities for the new Sustainable Future Section (SFS). Activities include monitoring developments in sustainability as they might affect the legal profession and the practice of law; coordinating with other sections and committees that are working on sustainability matters; providing for annual sustainability awards within the Oregon bar; monitoring how sustainability is being addressed in CLE classes; and monitoring the development of sustainable law office practices and encouraging best practices for law offices in Oregon. Education, promotion and

support will be major themes for the SFS. The SFS also plans to assist with instituting an internal OSB sustainability policy and integrating sustainability into the bar's section and committee structure.

The SFS is officially up and running, with about four meetings under its belt. Discussions have focused on the above activities, as well as the general perception of the definition of the word "sustainability." ORS 184.421 defines "sustainability" for governmental operations and principles as "using, developing and protecting resources in a manner that enables people to meet current needs and provides that future generations can also meet future needs, from the joint perspective of environmental, economic and community objectives." Whether the SFS adopts the ORS definition or its own definition of sustainability is yet to be determined. As the SFS continues to evolve, future



SFS activities will help solidify the answer to what "sustainability" is to the bar.

Membership in the section will occur primarily through the OSB dues process which lasts until mid-February of each year, although people can join at any time. Section membership is \$20. To read additional information about the SFS, comment on this article, and continue the conversation, please visit www.mbar.org/YLSFuturesCommittee.htm.

Pro Bono Spotlight: Christopher Bergstrom

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

Chris is a Tualatin native who started up an exclusively family law practice last year with Myah Osher, a good friend from Willamette University College of Law. Even as they negotiate the myriad issues involved in building a successful young practice, Bergstrom and Osher agreed that service to the community should be part of the foundation of their firm from the very outset.

To further that goal, their firm is on the attorney referral list to represent minor children pro bono in domestic relations cases in Multnomah County. Chris provided over 30 hours of pro bono work to assist a low-income survivor of sexual assault in a 2009 civil proceeding.

Chris also serves on the board of the Portland Women's Crisis Line, which provides free,

confidential support to survivors of domestic violence and sexual assault, as well as pairing them with available community resources. Chris is currently assembling a referral list of family law practitioners willing to work with survivors and their issues on a pro bono basis. Any attorney interested in this opportunity should email chris@osherlaw.com for more information.

I asked Chris about his most memorable moment in pro bono work: "I was appointed to represent a 5-year-old boy in a contested Family Abuse Prevention Act (FAPA) hearing. As with any FAPA case, the facts in dispute were troubling to say the least. At the time of my appointment, neither of the parents was represented by counsel. After our initial meeting, it was clear that he was having a hard time understanding why he



Christopher Bergstrom

could only see one of his parents through supervised visits. Most of what I did for him was to just listen. When he had questions, I answered as best I could. Having a 5-year-old as a client really forced me to make sure my communication skills were well honed. Developing trust and making sure he was comfortable talking with me was critical. Before our meetings, I traded my tie and dress shirt for something more casual. He is a big sports fan, so I made sure we spent a good part of our meeting talking about his favorite basketball team. He had plenty of questions, many of which had little to do with what was going on between his parents. However, I think the best service I provided was letting him know that I was his attorney. With everything going on between his parents he took comfort in knowing someone was on his side. I explained it was my job to make sure his best interests were not only voiced, but also heard. While the 'legal work' on my part was not complicated, this experience is easily one of the highlights of my career to date."



Community Service Day

Please join the YLS Service to the Public Committee at the Oregon Humane Society on Saturday, April 17 or Saturday, April 24 from 1-3 p.m. Family, friends and children over the age of 12 are welcome to participate. Our volunteer sessions will give the animals the attention they need and the social skills to help them find new homes. To sign up to volunteer at the Oregon Humane Society, or for more information, please email Tony Dal Ponte at tdalonte@samuelslaw.com.

Be on the lookout for more volunteer opportunities coming soon!

April 7 YLS Social and Brewery Tour

On Wednesday, April 7 from 6-8 p.m., please join the YLS at The Sidebar for a private tour of the Lompoc brewery and for beer tasting of Lompoc barrel aged and seasonal beers, available only at The Sidebar. The Sidebar is located at 3901A N Williams. Please RSVP to kathy@mbar.org by March 31; space is limited to first 50.

Food and event sponsored by the YLS and Markowitz, Herbold, Glade & Mehlhaf, P.C.

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2010 YLS Pro Bono Wine Fundraiser

Thank you to all who attended and made the fundraiser a success. The YLS would also like to recognize **Kell Alterman & Runstein LLP**, **Gevurtz Menashe Larson & Howe PC**, **Scarborough McNeese O'Brien & Kilkenny PC** and **Square Deal Wine Company** for their continued support of this event.



Kyoko Wise and Cashauna Hill



Nicholas Kampars and David Blasher

Call for Volunteer Interviewers

The YLS Service to the Public Committee, in collaboration with Central City Concern Employment Access Center, will be conducting mock interviews each month, March-December, to assist job seekers in refining their interview skills. Volunteers play the role of employer/ interviewer. Please visit the YLS Web site for details and email Slone Pearson (spearson@hagenoconnell.com) to sign up today!

Multnomah County Court - Downtown

By Allison Boomer.



Recently, I had the opportunity to spend an entire day at the Multnomah County Circuit Court. No, I was not summoned to the court as a result of nefarious criminal activity. I went voluntarily to observe and to gain an understanding of all that occurs at this busiest of Oregon courthouses. Needless to say, I was overwhelmed by all that I discovered.

Each courtroom had a distinct atmosphere. In Referee Silver's courtroom, tenants facing eviction and landlords seeking payment had congregated to sort out their disagreements. By 8:45 a.m., the room was packed; standing room only remained. Most tenants appeared on their own behalf, while a few landlords and management companies were represented.

I expected something akin to Judge Judy's courtroom: stern lectures and disapproving looks from the referee. I was pleasantly surprised, however, to find that Referee Silver spoke with kindness and patience. Like a teacher, he outlined the intricacies of the legal process involved in an eviction action. All listened intently as he explained filing an answer, paying fees, providing exhibits, and carrying the burden of proof, to name a few. He encouraged parties to settle their disputes if at all possible, especially given the plethora of reasons not recognized by the law for failing to pay rent. To further the goal of quick, peaceful dispute resolution, a mediator was available to facilitate conversations.

Presiding Judge Maurer's courtroom was filled with attorneys who had appeared for presiding call. Judge Maurer worked her way down a list of criminal, then civil cases. After each case name was read aloud, Judge Maurer and the attorneys involved discussed the status of the case and scheduled various deadlines, including calls, trials, release hearings and dates for pleas. Especially given the immense volume of cases handled by the court, status checks and scheduling are essential to ensure that cases are processed in a timely fashion.

In Judge You's courtroom, all were filled with a sense of suspense as they awaited the return of the jury in a complicated, high-stakes products liability case. The case concerned use of a medical device called the pain pump, the use of which had not been approved by the FDA, which destroyed the cartilage in a man's shoulder joint.

After a three-week-long trial, the jury awarded over \$5 million to the man and his family. Needless to say, all were overwhelmed with emotion after the announcement.

On this particular day, Judge Svetkey was hearing requests to grant restraining orders as well as requests to vacate restraining orders. The courtroom was filled almost entirely with women, save for a few children and an interpreter. Perhaps due to the sensitive nature of the proceeding, the judge called individuals up to the bench one at a time and spoke with each privately. Voices were kept low; conversations were inaudible from the gallery. The courtroom felt less like a court than a doctor's waiting room.

In addition to visiting the courtrooms of numerous judges, I had the opportunity to travel behind the scenes and visit areas of the courthouse that are inaccessible to the public. I caught a glimpse of the file room, filled with papers as far as the eye can see, where nearly every court document ends up. Additionally, I toured the Criminal Calendaring and Criminal Data Entry Departments, which process all post-arraignment aspects of criminal cases in Multnomah County.


Even after spending a mere day at the Multnomah County Courthouse, I was struck by the wide variety of services and programs provided by the court. Due to the large number of parties who appear without representation, the court provides numerous services aimed at helping individuals understand the legal process and prepare requisite documents. For instance, the court maintains a family law "self-help" center where parties without legal representation may receive assistance from family law facilitators and volunteers filling out forms and filing documents. As another service to families, the court offers CourtCare, a program providing free childcare to children under five whose parents are involved in court proceedings.

The court also operates numerous innovative programs aimed at supervising and rehabilitating individuals convicted of drug and alcohol offenses. The DUII Intensive Supervision Program (DISP), available to individuals convicted of DUII, seeks to help participants establish and maintain a life free of alcohol and drug abuse. The Sanctions Treatment Opportunity Program (STOP), an adult drug court created in 1991, aims to expedite processing of drug cases and to ensure that defendants receive quick access to treatment. The program lasts a minimum of one year, during which time participants receive treatment, submit to random drug tests, and appear regularly before the STOP judge. Finally, the court maintains a court coordinator,

who ensures that individuals comply with sentencing requirements, including community service and anger management programs.

While criminal (and select civil) cases may receive the bulk of public attention, the court also processes many lower-profile cases. The court has an active probate department that oversees the distribution of decedents' property and possessions. The court handles civil commitments. Finally, unlike other Oregon circuit courts, the Multnomah County Court processes all traffic and parking tickets issued in Portland. To provide some perspective on the scope of

Continued on page 12



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Mult. Co. Courthouse

Continued from page 11

this responsibility, the City of Portland writes over 100,000 parking tickets every year.

As may be apparent by this point, the Multnomah County Court bustles with activity. Furthermore, the court has, in many ways, outgrown its facilities. Most notably, the courthouse lacks adequate space for judges, juries and court staff. The court currently employs 38 judges, 14 referees, and over 300 supporting staff. However, three judges do not have their own courtrooms; they must borrow courtrooms from whichever family law judge is on rotation at the juvenile court. Several courtrooms do not have jury boxes or jury rooms; others are simply not large enough to accommodate juries. Finally, the court has no central meeting area for court staff.

In addition to lacking adequate space for judges, juries and court staff, the court building itself has become obsolete. The main stairwell is not likely to withstand a fire or earthquake. The jail

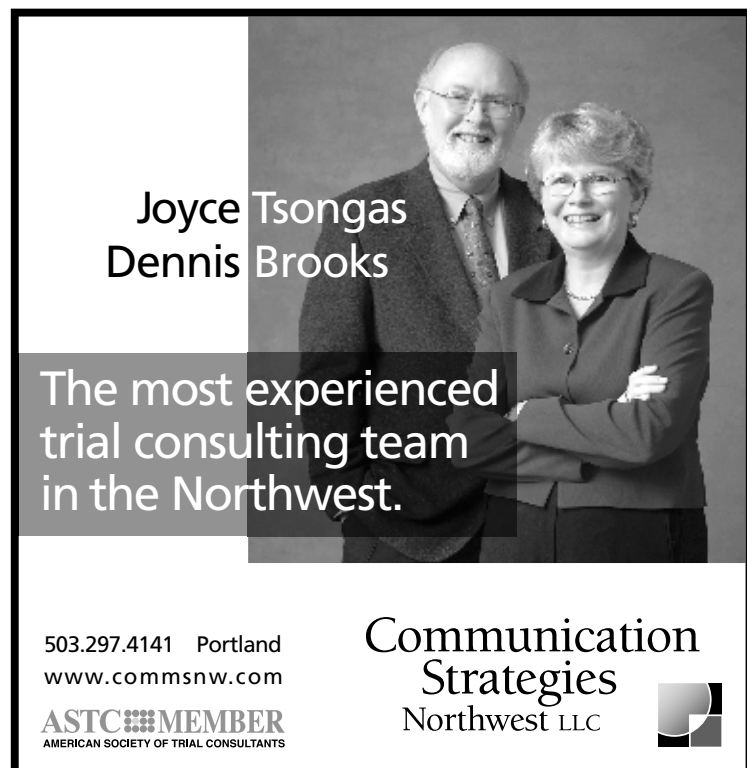
elevator (used to transport defendants in custody) frequently breaks down, requiring use of the main elevator to transport defendants. That not only delays court operations, but compromises the safety of court staff and visitors alike.

Despite inadequate and outdated facilities, the Multnomah County Court remains the busiest of the Oregon circuit courts. In 2009, 189,991 cases were filed

in Multnomah County.¹ Of those cases, over two thirds were criminal offenses. In previous years, the court saw as much and more activity: 196,905 cases were filed in 2008; 201,982 in 2007; and 205,098 in 2006. To put these numbers in perspective, about one third of all cases filed in the Oregon Circuit Courts are filed in Multnomah County. The downtown branch alone typically

processes 20-25% of all cases statewide.

¹ These statistics refer to all of the Multnomah County Courts, not only the downtown court.



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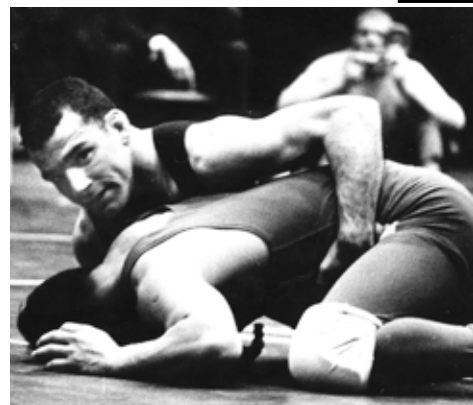


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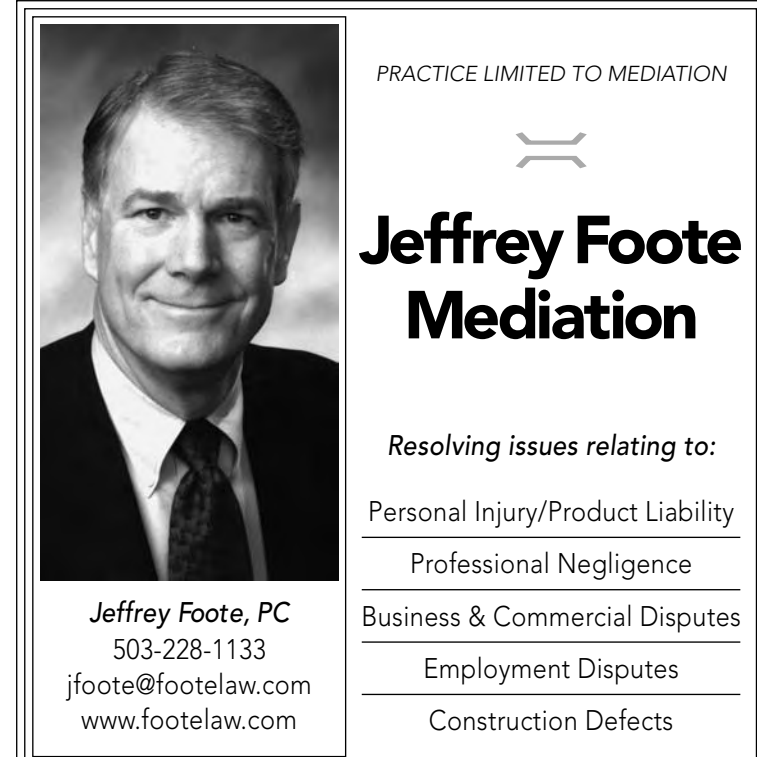
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Richard Meeker '74 publishes *Willamette Week*, which is known for its investigative journalism. WW also has raised and donated hundreds of thousands of dollars for the benefit of Portland non-profits through its annual Give!Guide. Mr. Meeker serves on the Dean's Advisory Council and is the former president of the Law School Alumni Association.

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Adventures in Citizenship

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

I was sifting through some old papers and came across my fourth grade essay, written for a PTA-sponsored contest at Banna Elementary, home of the Banna Braves. I entitled it "Adventures in Citizenship." Catchy, right?

My first paragraph read: "The dictionary defines citizenship as the duties, rights, and privileges of a citizen. This means a citizen should do his or her duties. There

are some things a citizen can do and there are some things a citizen should do. Everyone has an equal opportunity to take advantage of their citizenship. Some people find adventure in citizenship and some don't."

Yes, little Pammy, I thought, some people do take advantage of their duties, rights and privileges and they do find adventure in citizenship. Obeying the law, voting, accepting jury duty. These are vital components of good citizenship. But shouldn't we do more?

Farther on in my essay, I read, "You do not have friends unless you are willing to spend time with them. Also you cannot be a good citizen unless you practice." Aha. There it is. You cannot be a good citizen unless you practice.

Didn't we learn in school to be good neighbors, respect the law, put others first and help people who can't help themselves? Shouldn't we stay involved in our community, support worthy causes and invest in the civic education of our children? If we shift our focus from our

rights to our responsibilities, opportunities to become active and engaged citizens unfold before us.

The Multnomah Bar Foundation (MBF) is dedicated to promoting civic education and making an impact through its charitable Grants program. MBA members have an opportunity to practice their citizenship through service on an MBF committee, offering financial support or getting involved in MBF-sponsored programs and projects.

Let's practice. Let's get involved and let the adventure begin!

Charitable giving through the MBF is tax deductible to the fullest extent of the law. For more information, contact Pamela Hubbs at 503.222.3275 or pamela@mbabar.org or visit www.mbabar.org/foundation.htm.

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