



MULTNOMAH LAWYER

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

November 2011
Volume 57, Number 10



The Forgotten War

by Steve Blackhurst
MBA President

In 1965, the summer after my first year of college, I worked for my congressman in Washington D.C. That was the summer

Congress passed several pieces of landmark legislation, including bills to implement LBJ's "War on Poverty." As a college freshman I had read Michael Harrington's *The Other America* and thought that ending poverty in the richest country on earth was long overdue.

Three years later I worked as a VISTA volunteer in Newark, New Jersey. Newark had experienced race riots the year before, and the racial and ethnic tensions were still high. Living in Newark was an eye-opener for a kid from Medford. When I left Newark to go to law school in Eugene, I was a better person, but cannot claim that Newark was a better city. Nevertheless I was still optimistic - I still believed that we would "win" the War on Poverty - it would just take more time.

Now, more than 40 years later, I know better. In September, the Census Bureau announced that in 2010 the nation's official poverty rate was 15.1 percent. 46.2 million people live in poverty, the largest number in more than 50 years. 22 percent of children under the age of 18 live in poverty and the number is increasing. As I look back, I am not sure that we even fought the War on Poverty - if we did, we lost.

I am not trying to sound cynical, nor am I suggesting that the efforts over the past 45 years to improve the lives of poor people have had no effect. I am saying that we have failed to meet our national goal of substantially reducing poverty in this country. If you want proof, visit the Portland neighborhoods east of 82nd Avenue and see for yourself.

Does this mean we should abandon the goal of eliminating poverty? I think that happened a long time ago. We all know that there is virtually no chance of the federal government passing a jobs bill or other legislation that will significantly reduce the level of poverty. It's not going to happen. Given the current gridlock in Washington D.C., the best we can hope for is that the congress will do no harm.

How Can We Help This Forgotten War?

What then should we do? I think we should try to figure out how we, individually and collectively, can help poor people in Oregon. As lawyers there are two obvious ways that we can help: we can provide pro bono legal services to a poor person who needs a lawyer's help, and we can contribute money to fund the Legal Aid programs serving poor people here.

The MBA's Web site lists several pro bono programs where you can volunteer your services if you want to. I'll write more about those in a later column. In addition to these pro bono opportunities, you can make a contribution to the Campaign for Equal Justice.

The Campaign for Equal Justice was started 20 years ago by Oregon lawyers who were concerned about access to justice in Oregon. Since then the campaign has raised more than \$20 million to help fund legal aid services throughout the state. This year the campaign is seeking to raise \$1.2 million to help offset federal and state funding cuts, and the decrease in interest earned on lawyer trust accounts.

I have a special interest in the campaign this year. For one thing, it is chaired by my partner Frank Langfitt. Frank has been a volunteer with the campaign for as long as I can remember. Second, the campaign this year has issued a challenge to see which region of the state has the highest percentage of lawyers contributing to the campaign. The region with the highest percentage wins a trophy. *The MBA wants that trophy.*

When I was in VISTA, I met two young legal aid lawyers operating out of a storefront in a very difficult neighborhood in Newark. I remember thinking that these two lawyers were doing more for poor people than the bureaucrats who spent their days in endless meetings talking about the poor. I think the same is true of today's legal aid lawyers in Oregon. They are doing good work and deserve both our praise and our financial support. Please contribute to a good cause.

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

NOVEMBER

11.9 Wednesday Mergers & Acquisitions: Latest and Greatest Hits

Jeff Cronn
Sam Orme
Jon Summers

11.10 Thursday Basic E-Discovery Issues and Beyond

Elleanor Chin
Blerina Kotori

11.30 Wednesday Child Abuse Reporting

Amber Hollister

DECEMBER

12.7 Wednesday 2011 Ethics Update

Mary Cooper
Stacy Hankin

12.13 Tuesday Ethics: Attorney's Duties to Third Parties

Mark Fucile
Helen Hierschbiel

12.13 Tuesday Ethics: Attorney's Duties to Third Parties

Mark Fucile
Helen Hierschbiel

JANUARY 2012

1.24 Tuesday Multnomah County Presiding Court Update

Multnomah County Presiding Judge and Court Staff

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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

Fall 2011

- MBA representatives continue to serve on two county committees focusing on the downtown courthouse; one is studying the courthouse needs and another is exploring funding options.
- The county contracted with SERA Architects to study the feasibility of renovating the current downtown courthouse while maintaining substantial court operations. The final report was presented at the combined county committee meeting on April 19 and subsequently to the Multnomah County Board of Commissioners.
- The final report concludes that such a renovation would likely take between four and one-half to six years to complete. Work would occur between 4 p.m. and 1 a.m. and/or possibly on weekends. Seismic and security upgrades would come first, followed by phasing in of all new building and telephone systems. Construction would be done two floors at a time starting at the top, with staging on Salmon St., which would cause its closure during the renovation timeframe. The goal will be to design for contemporary courthouse standards where possible. The report indicates that certain operations would be moved out of the building during construction and some would be permanently removed to other buildings.
- The remodel could add 75,000 sq. ft. There are 39 courtrooms now. Depending upon how space is used and which functions remain in the building, two more courtrooms could be added if the DA's office is in the building, six more if the DA's office is permanently moved out of the building. The proposal suggests moving traffic court, most of court records and the law library out of the building during construction. It is undetermined whether or not they will move back into the building or be housed separately.
- Three elevators would be added for in-custody persons, a separate new one for court staff and the four public elevators in the main lobby would be renovated.
- The State Justice Institute awarded a \$41,000 grant to the county to update its 2002 Courtroom Requirement Projections for future courtroom needs. The study is scheduled to be completed in early 2012.
- The county has hired a consultant to compare remodeling to new construction to assist the Multnomah County Board of Commissioners in developing a strategy for addressing the existing courthouse upgrade or replacement. The report is expected to be completed early 2012.

Pro Bono Opportunities

Re-Entry Court assists participants on federal probation with recovery from addiction, employment and issues related to successful re-entry into society. Volunteer attorneys help program participants resolve non-criminal legal issues such as back taxes, garnishment, past due child support and custody matters. For more information or to volunteer email Pat Ehlers at patrick_ehlers@fd.org or contact by phone at 503.326.4902.

Downloadable CLE Seminars

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

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Calendar

To add your organization or firm's annual events to the MBA online calendar, contact Carol Hawkins, carol@mbabar.org.

NOVEMBER

11.3-16 Thursday-Wednesday RCL Portrait Design Photo Sessions
Call 800.580.5562 to schedule appointment

11.4 Friday Convocation on Equality
Visit <http://2011coe.wordpress.com/programs/> for details

11.4-5 Friday-Saturday OMA Conference
Visit www.omediate.org for details

11.9 Wednesday OSB Awards Luncheon
The Governor Hotel

11.10 Thursday December Multnomah Lawyer deadline

11.15 Tuesday YLS New Admittee Social

11.17 Thursday DJC Up & Coming Lawyers/Unsung Heroes event
Visit <http://djcoregon.com/events/law/> for details

11.30 Wednesday MBA Bench, Bar & Bagels
See p. 6 for details

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

DECEMBER

12.1 Thursday DJC Battle of the Lawyers event
Visit <http://djcoregon.com/events/law/> for details

12.6 Tuesday MBA Mentor/Mentee Kickoff Event

12.8 Thursday OMLA annual meeting

12.9 Friday January 2012 Multnomah Lawyer deadline

12.13 Tuesday Queen's Bench Holiday Luncheon
Visit www.owlsqueensbench.org/holiday-luncheon.html for details

JANUARY 2012

1.10 Tuesday February Multnomah Lawyer deadline

1.19 Thursday Roosevelt Robinson Celebration & Scholarship Fundraiser
Multnomah County Courthouse, Room 602, 4 p.m.

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Ethics Focus

Say What?
Confidentiality and
Conflicts on Listservs

by Mark J. Fucile
Fucile & Reising

Most of us belong to law-related listservs. At their best, listservs offer the electronic equivalent of the wise counsel many of us got from the gray-haired partner in the corner office in years past. They also provide a ready forum for lawyers to share ideas, research and camaraderie with colleagues across town or across the country.

Earlier this year, the OSB issued a helpful opinion addressing the principal ethics issues in using listservs and similar electronic media. The opinion, 2011-184, is available at www.osbar.org. It focuses primarily on two areas: confidentiality and conflicts.

On confidentiality, the Oregon opinion is framed from the perspective of lawyers seeking advice. It begins with a reminder that we should not assume that listserv posts are privileged or otherwise confidential simply because they

“...we should not assume that listserv posts are privileged or otherwise confidential...”

are directed to a group (such as defense or claimants’ counsel) that is usually on the same side in similar matters. Rather, the opinion cautions that listservs should ordinarily be regarded as “public” forums.

The “public” nature of most listservs leads directly to our duty of confidentiality. Under RPC 1.6, we are broadly enjoined (subject to specific exceptions) from “reveal[ing] information relating to the representation of a client[.]” OEC 511 also addresses the narrower issue of privilege waiver by voluntary disclosure. Opinion 2011-184 notes that



general posts inquiring about recent cases and the like normally shouldn’t run counter to our duty of confidentiality. It also recommends using hypotheticals if a factual predicate is necessary for a useful post. The opinion adds, however, that some situations are so unique - and widely known - that even a hypothetical might reveal confidential information.

On conflicts, the Oregon opinion is framed from the perspective of lawyers responding to listserv postings. It begins by noting that simply answering a listserv inquiry should not, in and of itself, create an attorney-client relationship and an accompanying potential conflict with the client of the inquiring lawyer. The opinion cautions, however, that if an initial exchange on a listserv leads to more detailed discussions “off-line,” lawyers need to vet conflicts if those later conversations funnel down to the client-specific level.

Both parts of the Oregon opinion offer sound advice. With confidentiality, case-specific confidential information is more prudently shared with co-litigants under formal “joint defense” or “joint prosecution” agreements.

The Oregon Court of Appeals discussed the contours of the “common interest” privilege at length last year in *Port of Portland v. Oregon Center for Environmental Health*, 238 Or App 404, 243 P3d 102 (2010). With conflicts, lawyers need to be especially careful with electronic social media that may include

non-lawyers who are seeking legal counsel. Under some circumstances, RPC 1.18 includes a limited duty of loyalty even to prospective clients who don’t ever become “full-fledged” clients.

Bar associations and courts nationally are grappling with similar issues. Although the rules elsewhere may vary, the questions examined often present useful nuances on the intersection of law practice and technology.

District of Columbia Bar Opinion 316 (www.dcbbar.org), for example, surveys the risks of inadvertently forming an attorney-client relationship (with the attendant conflicts) through online discussion groups that include non-lawyers who may be seeking legal representation. Los Angeles County Bar Association Opinion 514 (www.lacba.org), in turn, reviews the ramifications of judicial (both full-time and pro-tem) participation in listservs that include lawyers who may be appearing before the judges concerned.

In *Muniz v. United Parcel Service, Inc.*, No. C-09-01987-CW, 2011 WL 311374 (ND Cal Jan 28, 2011) (unpublished), the party opposing a fee petition sought (unsuccessfully) the petitioning law firm’s listserv and social media postings about the case involved as evidence on the firm’s skill level and, implicitly, its requested rates.

Listservs have become an electronic fact of practice life. Before hitting “send,” however, lawyers should think through the advice offered by the new Oregon opinion.

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.

mba | Letter to the President

Dear Steve:

Thanks very much for your plug for jury trials and expedited civil trials in your column in the *Multnomah Lawyer*. By way of background, the American College of Trial Lawyers formed a committee six years ago to come up with ways to promote civil jury trials. Initially we were able to start a pilot program giving young lawyers jury trial experience with the Metropolitan Public Defenders and the

Multnomah County DA. These programs have been going on for over three years now.

Then, at the same time, we started working on a plan which resulted in what is now the Six-Person Expedited Jury Trial Program. Our committee was expanded to include some judges and we developed an outline for a program which Chief Justice De Muniz endorsed heartily and almost immediately turned into a

Uniform Trial Court set of rules (UTCRC 5.150), which was in turn implemented by the Multnomah County judges. Also, expedited jury trials are being promoted in about eight Oregon counties as of this writing.

Thanks again.

Very truly yours,
Wally Sweek

mba | ANNOUNCEMENTS

Commitment to Professionalism

The MBA professionalism statement 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.

Ninth Circuit Bankruptcy Judgeships Available in Alaska and California

Application forms and information are available at www.ca9.uscourts.gov. Application forms must be in the format required by the Ninth Circuit and received by 5 p.m. on Thursday, November 17 for the California (San Diego) position and Thursday, December 1 for the Alaska (Anchorage) position.

YLS News has New Location

Win a Prize!

Congratulations to Sean Currie, who correctly answered the October question and won a \$25 lunch gift certificate: The third YLS President was Bill Savage, 1982-83.

Look for all things YLS in the new combined CLE and YLS insert. Until recently you have found YLS on p. 10. Go to the CLE and YLS insert to read all about what the section is up to. If you are a YLS member and the first to answer the following question and didn’t win for the October question, you will be treated to a \$25 lunch gift certificate to the place of your choice.

November’s Question: What YLS president was a legal aid lawyer when she or he served in the office?

Online Directory Photos to be Updated

It’s been almost three years since member photos were taken for the MBA online membership directory. If you missed out last time or would like to update your photo, RCL Portrait Design is currently photographing members for the directory.

Photos by a professional portrait photographer are being taken at the MBA office at no cost to members. Proofs will be available immediately for your directory selection. You will also have the option of purchasing your portraits for your own use.

Appointments are available November 3-16. Please call RCL Portrait Design at 800.580.5562 to schedule your appointment.

OCDLA Seminar

The Oregon Criminal Defense Lawyers Association’s Winter Conference, “Using the Evidence Code to Win,” will be held December 2-3 at the Benson Hotel. For more information, visit www.ocdla.org.

Queen’s Bench Events**November 8th Luncheon Features Naseem Rakha**

Luncheon is at Trees Restaurant, 1211 SW 5th Ave., starting at 11:45 a.m. Naseem Rakha, award winning author of the novel *The Crying Tree* and NPR contributor will discuss her book and her experiences helping crime victims regain their lives. Cost is \$14, payable by cash or check at the door. The buffet-style lunch includes a vegetarian option. For more information contact Vice President Christine Coers-Mitchell at coers@comcast.net.

Holiday Luncheon

The Queen’s Bench Annual Holiday Luncheon honoring women members of the judiciary will be held on Tuesday, December 13 at the Benson Hotel in downtown Portland. Please join us for this special festive event featuring keynote speaker the Honorable Ann Aiken, Chief Judge of the U.S. District Court for the District of Oregon. A representative from Oregon Women Lawyers will announce the recipients of the 2012 Roberts-Deiz Awards. Queen’s Bench members may purchase tickets in person at the November Queen’s Bench luncheon and online. Tickets and judge’s online RSVP available at www.owlsqueensbench.org/holiday-luncheon.html.

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.

webcheck

Have you renewed your MBA membership? Visit mbabar.org today!

Regions Around the State Vie for “The Justice Cup”

by Sandra Hansberger
Executive Director
Campaign for Equal Justice

The Campaign for Equal Justice, which supports Oregon’s statewide legal aid programs, including those in Multnomah County, launched its annual fund drive in September. The next few years are expected to be difficult for Oregon’s legal aid programs that announced a 16% reduction in staff due to reduced revenue.

In recognition of the budget crisis for legal aid, and in order to inspire more giving to the Campaign, the OSB Board of Governors unanimously voted to join with the Campaign for Equal Justice in rewarding regions around the state for their support for the campaign’s annual fund drive. The largest of the two traveling trophies, The Justice Cup, will go to the region with the highest percentage of lawyers who give to the campaign. The smaller trophy will go to the region around the state with the highest percentage increase over last year, of lawyers giving to the campaign.

Steve Piucci, president of the OSB stated, “Given the competitive

nature of Oregon lawyers, we decided a little head to head competition among the regions around the state would inspire more participation in the Campaign for Equal Justice.” Mitzi Naucler, OSB President-Elect showed off the trophy to lawyers gathered in both Salem and Eugene for their annual fundraising luncheons. The trophy will be awarded at the Campaign for Equal Justice Annual Awards luncheon on February 8, 2012.

Multnomah County boasts about 30% giving to the campaign, higher than the statewide average of 20%, and the fundraising in Multnomah County is done through a series of committees, direct appeals, and events like Laf-Off that are aimed at raising awareness of the need for legal aid to the poor. MBA President Steve Blackhurst said, “I’d like to bring this trophy home to Multnomah County.” Last year



Steve Blackhurst, MBA President and Steve Piucci, OSB President hold the regional trophies for the highest percentage of lawyers donating to the CEJ and the highest percentage increase

the MBA contributed \$30,000 to the Campaign in support of the Volunteer Lawyers Project and Multnomah County lawyers and event sponsors contributed a total of \$658,000.

Editor’s Note: In the greater Multnomah County area, we do not have the highest percentage of giving to CEJ. If we expand the breadth of giving, we should indeed be able to “bring this trophy home to Multnomah County.” If you haven’t donated, please consider even a \$25 contribution. You may donate at www.cej-oregon.org.

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MBA Bank of America Credit Card Relationship Ending

Since 1995, the MBA has offered its members an affinity credit card. Purchases made using the card generate a royalty that the MBA passes directly to Legal Aid Services of Oregon. Initially offered through MBNA Bank, the program was taken over by Bank of America when they acquired MBNA in 2006. At one time the program generated as much as \$6,000 annually for Legal Aid, though in recent years royalties have totaled about \$3,000 a year. Bank of America has decided to terminate the program effective January 31, 2012. The bank has indicated that they are significantly reducing the number of affinity programs offered across the board and that they will communicate the end of this program to MBA member customers via billing statements.

The MBA is exploring alternative affinity credit card relationships and continues to raise funds for legal aid via the annual dues check off, donations from members, and fundraising events such as golf outings and the Pro Bono Pedal.

If you have questions about the Bank of America program, please call Guy Walden at 503.222.3275.

The Corner Office | PROFESSIONALISM

Even lawyers who specialize primarily in civil matters sometimes pick up criminal cases. What should one expect regarding professionalism when working with a District Attorney's office? A DA's office works on behalf of "the people" and thus has a unique responsibility to serve the public good. Consistent with that responsibility, you should expect a high level of integrity and professionalism from the Deputy DAs with whom you interact. At a minimum, interactions with the DA's office should be based on the following principles.

Prompt and complete discovery: A DA's office should promptly provide complete police reports and other discovery materials on your case, including new discovery materials generated as the case progresses. Upon request the DA's office should provide a form that allows you to view evidence held in police custody and to have that evidence independently tested. The deputy DA on your case is also obligated

to provide any exculpatory information in her possession. The deputy DA should be willing to meet personally with you upon request to review discovery materials to ensure that you have everything you should.

An open door and an open ear: The deputy DA on your case should return your phone calls and emails promptly and listen with an open mind to your perspective on the case. The goal of a DA's office is not to obtain a conviction in every case but rather to try to ensure a just outcome, advocating only for cases and positions that have legal, factual and ethical merit. He or she should consider any exculpatory or mitigating information in thinking about an appropriate resolution to the case. The deputy DA should be open to all legitimate methods and opportunities to resolve the case provided that the interests of justice, public safety and the rights of victims in the case are served.

Equal treatment: A DA's office is committed to access to justice for all segments of

society. Deputy DAs must avoid all forms of illegal or unethical discrimination. While each criminal case is unique, the DA's office should strive to treat similarly situated people similarly.

Integrity and respect: Defense counsel have a critically important role in our system of justice. Criminal trials often are tough battles between prepared and capable litigants, but the deputy DA on the case should always remain courteous, respectful and professional. He or she should not engage in tactics intended merely to delay or harass opposing counsel, and should be truthful and forthright in all communications with defense counsel and the court.

Criminal cases can be emotionally taxing, stressful and challenging. Maintaining professionalism in our working relationships is always in the best interests of our clients and our profession.

Oregon State Bar Sustainable Future Section

The Sustainable Future Section is pleased to announce the 2011 recipient of our Law Office Sustainable Leadership Award

Schwabe Williamson & Wyatt

Congratulations!

Bench Bar and Bagels

The MBA hosts the third annual "Bench Bar and Bagels" on Wednesday, November 30, 7:30-8:30 a.m. at Schwabe Williamson & Wyatt, 1221 SW 5th Ave. Ste. 1900. Please join your colleagues and members of the judiciary for a light breakfast and coffee. This event is offered at no cost to MBA members and judges. Non members: \$5.

Special thanks to our sponsor: Merrill Lynch Wealth Management. Please RSVP to Kathy Modie, kathy@mbabar.org.



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Around the Bar



Ryan Bledsoe



Daniel H. Skerritt



Gwendolyn Griffith



Colin Love-Geiger

Tonkon Torp

The Forest Park Conservancy's board of directors elected **Ryan Bledsoe** to join the nonprofit's board. An avid hiker and runner, Bledsoe spends time every week enjoying Forest Park and the Wildwood Trail.

Bledsoe is a senior associate whose practice focuses on antitrust, securities and business litigation.

Gwendolyn Griffith, chair of the tax and employee benefits practice group, has written a new law student study guide, *Basic Federal Income Tax, 4th edition*. The book is part of the *Emanuel Law Outline* series of study guides that provide succinct explanations of critical issues and key topics for various legal disciplines.

Griffith represents individuals and businesses on federal, state and local tax matters. Her particular emphasis is taxation of corporations, complex partnerships and limited liability corporations (LLCs). Her 30-year career includes both practicing and teaching law.



Janet Neuman

Colin Love-Geiger has joined the board of directors of the Federal Bar Association, Oregon Chapter.

Janet Neuman, considered one of the foremost water policy experts in the Pacific Northwest, has written a new book that details the law of water and water rights in Oregon.

Oregon Water Law: A Comprehensive Treatise on the Law of Water and Water Rights in Oregon, provides an overview of the state's water resources, a brief history of Oregon law on water rights and a comprehensive discussion of the state's water rights.

Neuman is a former professor and associate dean of faculty at Lewis & Clark Law School. She currently serves on the board of The Freshwater Trust. She works with attorneys in the firm's water law practice group.

Daniel H. Skerritt has been reappointed to chair the Oregon chapter of the American College of Trial Lawyers for a second year.

Skerritt, a member of the litigation department, has 35 years of experience representing plaintiffs and defendants in complex commercial litigation.



Aaron J. Besen

Sussman Shank

Former partner **Jeffrey R. Spere** retired from the firm. His successful banking, business, finance and commercial real estate practice responsibilities will be shared by other partners in the firm.

Aaron J. Besen has been elected a partner. Besen is chair of the firm's health care practice group and a member of the business group. He has extensive experience representing long-term care providers including skilled nursing, assisted living and independent living facilities, management companies and the landlords related to these businesses.

Ball Janik

Dana L. Krawczuk was recently appointed to serve on the City of Portland's Development Review Advisory Committee (DRAC) as the "Frequent Development Review Customer" representative. DRAC is an advisory body representing those with interests in the outcome of policies, budgets, regulations and procedures that affect development review processes.

In addition, Krawczuk has been appointed to the Metro Regional Government's Metro Technical Advisory Committee (MTAC), serving as the Commercial/Industrial Development Association representative. MTAC is a 36-member committee of planners, citizens and business representatives who provide detailed technical support to Metro.

Krawczuk focuses her law practice in land use and environmental law.



Dana L. Krawczuk

Dunn Carney

Elissa Meyrowitz Boyd, **Blair E. McCrory** and **Mary Anne Nash** have joined the firm.

Boyd will focus on insurance coverage and commercial litigation and contribute to the Dunn Carney Insurance Coverage Blog.

McCrory has three years experience defending contractors and developers in complex construction defect matters. She will focus on insurance defense and construction defect litigation.

Nash will practice agriculture, natural resource and environmental law as well as general litigation.



Eva M. Marcotrigiano

Bowerman & David

Eva M. Marcotrigiano has joined the firm, where she will work in the firm's practice of general litigation and defense of lawyers and physicians throughout the State of Oregon.



Cynthia Fraser

Garvey Schubert Barer

Cynthia Fraser is a co-editor of *Eminent Domain: A Handbook of Condemnation Law*, published in August by the ABA Section of State and Local Government Law.



Jay Hull



Phillip Grillo

Davis Wright Tremaine

Jay Hull, a partner, has joined the finance committee at TechAmerica Oregon, which works to educate CFOs and other financial professionals about the changing role of the finance executive in the technology industry. Hull focuses his practice on business transactions, with a concentration on technology and communication companies.

Gene Grant, a partner in the real estate group, has been named chair of the ULI Oregon Operating Committee and to the Board of Urban Land Institute Northwest, which provides leadership in the responsible use of land and in creating and sustaining thriving communities in Oregon.

Phillip Grillo, an experienced and highly-regarded land use attorney, has joined the firm as a partner. Grillo brings more than three decades of experience in land use planning, permitting and development to the firm. He represents a wide range of residential, commercial, industrial and institutional clients on major projects throughout the Northwest. He also served for many years as a land use hearings officer in various cities and counties in Oregon and Washington.

Lane Powell

Robert E. Maloney has recently been appointed to serve on the Lawyers Committee of the National Center for State Courts as one of

two lawyer representatives from the State of Oregon.

The National Center's members include the chief judges of each state's Court of Appeals and Supreme Court, in addition to two attorney representatives from each state. Collectively, the organization works to ensure the quality of state courts throughout the country and to advocate improvements in the civil justice system ranging from jury reform, to judicial independence, to management of complex civil cases.



Robert E. Maloney

Susan Hammer

The City Club of Portland has honored Susan Hammer with its the highest honor, The City Club Award, which recognizes dedication to community service, civic engagement and leadership development. Hammer was instrumental in building sustainable funding through leadership giving and establishing a research endowment.



Douglas G. Houser



Jamie L. Pfeiffer

Bullivant Houser Bailey

Douglas G. Houser was recently elected the 28th General Fraternity President of Beta Theta Pi at the Fraternity's 172nd General Convention in Seattle, Wash.

Houser joined Beta Theta Pi Fraternity during his undergraduate years at Willamette University in 1954. In 2007, Houser was appointed chairman of the Beta Theta Pi Foundation Board of Directors, which is responsible for funding Beta's acclaimed and award-winning Men of Principle initiative.

Jamie L. Pfeiffer has joined the firm as an associate. Pfeiffer is the latest addition to the firm's commercial litigation group.

Tips From the Bench

Family Court: New Fees, Court Cutbacks and How You Can Help

by Judge Maureen McKnight
Multnomah County Circuit Court

New Rules on Fees

Family law practitioners have much to welcome in the new fee structure effective in October. First, the \$10 fees for orders and judgments have been deleted, so the mad dash to the cashier's line before ex parte matters are heard is a thing of the past.

Second, hearing fees are eliminated in favor of increased trial fees, with the latter set at \$125 for each full or partial day. This change means that no fee is charged for a hearing pre-judgment or post-judgment (including a modification hearing), only for the trial on the petition.

Third, fees are uniform county to county but charged equally to each party. For dissolutions and ORS 109.103 petitions, that fee is \$260 for each party's appearance. Motions to Modify are \$150 even if a Contempt motion is filed with the modification. Contempts without modifications, Parenting Time Enforcement motions, and vacate motions are \$50 per party. A full schedule is available by link on the court's website at: <http://courts.oregon.gov/Multnomah/>.

Centralizing the filing fee structure and removing local surcharge authority has also created some concerns for family law practitioners, particularly regarding the long-term stability of mediation and other court-connected services. Instead of being funded by a locally set surcharge on filing fees, Family Court service programs will now be dependent on a biennial state general fund appropriation. The current state funding is less than what was collected under the former (filing fee) system so service reductions are likely when demand for mediation and evaluations continues to increase.

Court Cutbacks

Attorneys are probably aware that because of budget-caused staffing shortages, judicial assistants (JAs) for Multnomah County judges are spending two hours each day on trial court administration duties outside the Judge's own department. Some JAs for Family Court judges work at the public counter in Room 211 and others are doing data entry. Planning is underway for other likely reductions in court operations. Three quick suggestions on how the family law bar can help cushion the effects of court cutbacks:

❖ **Bring copies of recent filings** - yours and the other party's - to court for hearings. Although every effort is being



made to keep OJIN data entry up-to-date, a significant backlog exists in getting documents into the court files.

❖ **Submit your motion for set-over (even if stipulated) at least one week before the trial assignment date** if mailing it or dropping it off. If you have a stipulated set-over order signed at ex parte for a case on trial assignment within the week, bring a copy directly to the counter in 211 and tell court staff. Plan on your proposed judgments taking two or three weeks to be processed, signed, and entered in OJIN. Bottom line: unless OJIN reflects entry of your order or judgment before the trial assignment date, appear for that 9 a.m. docket. Don't assume your document has been signed by the judge

"Don't assume your document has been signed by the judge or even noted by docketing staff...."

or even noted by docketing staff just because you mailed or dropped it off 3-4 days earlier. Staff shortages very likely mean that your document is still being processed, routed or awaiting signature. Cases are being dismissed at trial assignment with no party present because judges and court staff are unaware that documents for set-overs or settlements were in the pipeline. And unfortunately we just don't have the time to respond to calls the day before trial assignment requesting that staff locate or check on the status of your particular motion or proposed Judgment.

❖ **If you want a copy of a document when it has been signed, include a self-addressed stamped envelope with a copy of the document** that can be conformed *at the time of judicial signature*. It is very time-consuming for staff to track down specific documents post-signature and pre-filing on individual request.

The Family Court judges very much appreciate the bar's patience and understanding about delays resulting from reduced staff availability.

News from the Courthouse

by Keil Mueller
Stoll Berne and Court Liaison
Committee member

Presiding Judge's Report and Courthouse Update

Presiding Judge Maurer and Judge Nan Waller provided the committee with the following update.

East County Courthouse

Judge Maurer reported that, even though funding for furniture, equipment and staff has not yet been approved, the East County Courthouse will open in April 2012. However, fewer services may be offered initially than had been planned in anticipation of legislative support for the services.

One judge and one referee will be assigned to the East County Courthouse on a rotating basis. Judge Baldwin will be the first judge assigned and will serve for at least three months. Thereafter, judges will rotate monthly.

The East County Courthouse will be available to handle misdemeanors, violations and possibly small claims under existing staffing. It will also serve as a filing location for attorneys in East Multnomah County.

Budget

Staffing shortages caused by legislative reductions have crippled the administrative office, and judges continue to cover three Justice Center courtrooms due to the loss of those referees. The court's remaining referees continue to cover Community Court, traffic violations, small claims and FEDs, Gresham, and, with Family Court judges, the Juvenile Court. The loss of additional staff and referees will be devastating to the court.

It is expected that the November forecast for state general fund revenue for the 2011-13 biennium will be down and will require additional reductions throughout state government, including the courts, in February 2012. The budget climate may not improve substantially until late 2014.

SLR Changes

The court continues to publicize SLR changes that will become

effective next February. The court hopes that the rule changes in the management of civil cases will lead to earlier and greater judicial intervention in cases, consistency in pre-trial rulings and decreased costs for litigants. The goal, however, is not to federalize state court proceedings. In addition, the new civil case cover sheets will provide better, more complete information that will increase the accuracy of OJIN information on new filings.

eCourt

Judge Waller reported that a legislative event regarding eCourt hosted by the MBA went very well. The event was attended by a number of MBA members, legislators, business leaders and other members of the bar, as well as the Multnomah County district attorney, the sheriff and public defenders.

Continued eCourt funding in the February 2012 legislative session is critical to moving forward with eCourt. Courts around the country are realizing that they must implement electronic filing and case management systems, which are expected to result in significant long-term cost savings. While Oregon is further along with this process than many states, continued legislative support through approval of additional state bond sales for eCourt is essential.

As currently envisioned, eCourt will digitize court filings on a "day forward" basis. There currently is no plan to digitize old files as the cost is prohibitive, especially in the current budget climate.

Attorney Feedback Sought

Judge Maurer reported that the court continues to seek feedback from attorneys on all aspects of court operations. Such feedback provides the court with information that it can report to the legislature regarding the impact of budget cutbacks. For example, feedback from attorneys now indicates that nearly 20% of phone calls to the clerk's office are dropped while in queue due to long waits which frequently reach 30 minutes. Given that most of these calls

are about payments of financial obligations and fees, the dropped call rate impacts the court's ability to generate revenue.

Continuing PR Campaign for Expedited Jury Trial System

The committee will continue to promote the expedited jury trial system. Several cases have successfully been tried through the expedited process and others are moving through the system. Nonetheless, awareness of the system still needs to be improved.

Feedback from attorneys who have used the system and statistics regarding the results would be useful as more cases make their way through the system.

County Liaison Report

Kathy Proctor reported via email that Washington County conciliation services will continue to conduct custody evaluations, but will no longer conduct parenting evaluations. The cost of custody evaluations will increase from \$500 to \$1,000.

Civil Case Feedback to the Court

In family law and all civil cases there is no central place to seek a judge for a settlement conference. The court does not want settlement conferences to go on the call docket it wishes to give priority to trials. The court also wants to avoid the affidavit process when assigning settlement judges to give parties the ability to select a particular judge whom they feel is well suited to help resolve their case.

Judge Maurer noted that the court's concern that, much as the declining number of civil trials means that younger attorneys are not gaining trial experience, the increasing number of judicial settlement conferences means that attorneys are gaining less negotiating experience as they rely more on the court.

Editor's Note: The October News from the Courthouse article was written by Laura Rufolo of the Multnomah County DA's Office. In addition, please see the article on p. 10 by Susan Grabe for information on state legal aid funding.

MBA Membership Drive Continues

If you haven't yet renewed your membership for 2012, please do so. Registering online is quick and easy - simply take a few moments to visit mbabar.org, click "Join or Renew" and complete the secure form.

If you would like more information about the benefits of MBA membership, please contact Ryan Mosier at 503.222.3275.

Legal Aid Funding and Interest on Lawyer Trust Accounts

Where you bank matters



Judith Baker, Executive Director, Oregon Law Foundation

How do I Select a Bank?

Financial institutions play a significant role in the success of the Interest on Lawyer Trust Accounts (IOLTA) program. The amount of funding generated through IOLTA each year is dependent upon several factors, such as interest rates and bank-imposed fees. You can help the Oregon Law Foundation (OLF) provide more funding for legal aid services if you establish your IOLTA account (or move your account to) a bank that is

committed to maximizing the rate of return on these accounts. The OLF's "Leadership Banks" have shown such a commitment.

Leadership Banks

The OLF gratefully acknowledges the following Leadership Banks for maximizing the rate of return on IOLTA accounts. This exceptional level of support reflects a commitment for the goals of the OLF.

These banks pay at least 1% interest and charge no service fees

Bank of Eastern Oregon * Century Bank * First Republic Bank * Ironstone Bank, a division of First Citizens Bank & Trust Co. * KeyBank * Peoples Bank of Commerce * Pioneer Trust Bank * Siuslaw Bank *

South Valley Bank and Trust * Washington Trust Bank * Willamette Valley Bank

These banks pay between .7% and 1% interest and charge no service fees

Albina Community Bank * Bank of the Cascades * Bank of the West * Capital Pacific Bank * MBank * Northwest Bank * Panhandle State Bank * Umpqua Bank * U.S. Bank

The Oregon Law Foundation supports access to justice in Oregon by distributing funds to organizations that provide legal services to persons of lesser means. Thanks to IOLTA contributions, Oregon legal service programs have received \$26 million since 1989. www.oregonlawfoundation.org

webcheck

You may donate to legal aid through the Campaign for Equal Justice at www.cej-oregon.org/donate

Jacob Tanzer's Unique Life and Career

by Judy A. C. Edwards
MBA Executive Director

It would be difficult to imagine any Oregon lawyer not knowing who Jacob "Jake" Tanzer is. He is esteemed for many reasons: his civil rights legal service in Mississippi, helping write the rules for and being on the Oregon Court of Appeals, serving as a justice on the Oregon Supreme Court, and practicing business litigation, arbitration and mediation. This profile, part of

"I wanted to be a part of history, a part of what became perhaps the greatest popular revolution in our history."

my series on local legal icons, attempts to fill in some of the blanks. I hope you find his story as interesting, inspiring and intriguing as I have.

Although a modest person, Jake is extremely proud of his time working to improve civil rights and still feels it a privilege to have worked for the Kennedy administration. One can see that nearly 50 years later, he still enjoys reminiscing about the rare and historic events in which he took part.

Clearly, his most memorable time in his career was working in the cotton fields of Neshoba County, Mississippi, to help bring a turning point in

Schwerner, James Chaney and Andy Goodman disappeared and were found murdered; Jake was a member of the team that brought the people responsible for the deaths to justice. "When I learned that the Civil Rights Division needed grand jury expertise on their team, I hustled to be the guy to provide it. I wanted to be a part of history, a part of what became perhaps the

greatest popular revolution in our history. Working with the black sharecroppers in rural Neshoba County was a moving experience. Under the façade of extreme servitude and childlike behavior, they were very dignified people and they braved what hundreds of blacks had been murdered for in order to do justice, with no protection, no guarantee that they and their families would be safe."

Jake, having been recruited by Sid Lezak to work in the Kennedy Administration, ended up as a trial attorney in the Organized Crime and Racketeering Section of Robert Kennedy's Justice Department. "It was a plum assignment to Kennedy's priority group. The work was heady, exciting and challenging. We met with Bobby regularly and he proved to be

a great leader, holding us to high standards of professional performance and integrity. It was a privilege ... I thought he [Bobby] had grown more in public life than any other public person I knew of, both in terms of aggressive pursuit

of his goals, integrity and as a prosecutor. It was a good place for idealistic people to work."



India is one of Jake's and his wife's favorite places to visit

Because of his previous experience with grand juries prosecuting organized crime and labor racketeering cases, Jake was picked to go to Neshoba County and seek indictments of those responsible for killing the civil rights workers. His courage must have been evident to all he worked with as he and others sought out possible witnesses in an environment that was exceedingly hostile to blacks who wanted to vote or who gave evidence against white people. For those born after the early sixties, it would be difficult to truly understand the danger and "violent suppression and tenuous existence to play their [blacks'] roles." Using a "Reconstruction era statute prohibiting public officials from denying any person his constitutional rights," the team presented 125 witnesses over a two-week period. "This grand jury was no handmaiden. It was unlike any grand jury I had handled." After deliberating, it "returned indictments as to all defendants. It was a historic moment. As far as I could tell from Department of Justice archives, these were the first civil rights criminal indictments ever, anywhere."

After the "District Court sustained a misdemeanor charge ... but dismissed the felony charges ... The case went directly to the U.S. Supreme Court for review ... My indictment

was upheld in its entirety. The charges were reinstated and the case was remanded for trial."

Nearly three years later, in 1967, Jake returned to Mississippi, but as a volunteer with the Lawyers Committee for Civil Rights, along with other Oregon lawyers including Cliff Carlson, Carl Neil, Don Marmaduke and many others to defend civil rights workers in Mississippi courts. One might imagine the sea change in Jake's life, returning from Washington DC to practice law in Oregon. "I truly love being a lawyer, including being a judge, and have had such a fantastic career. I've loved every part of it. My career has been more varied than probably anybody's. I loved being the state's first Solicitor General, and helping people like George Joseph, Phil Levin and others to design the Oregon Court of Appeals. At that time, the Court of Appeals had limited jurisdiction, including all civil and criminal cases involving government, and I was the government's chief appellate lawyer." He worked



Jake Tanzer at the Obama Inauguration

with Court of Appeals Chief Judge Herb Schwab to develop rules, examining every aspect of court procedure. "Herb was wonderful to work with and learn from."

Jake loved the intellectual challenge of serving on the Oregon Supreme Court. "Working with other very bright people was a tremendous pleasure. I loved the camaraderie of the bar, friends like Mick Gillette, Jack Faust, Rob Ball, Steve Janik, Ted Goodwyn, Arno Denneke, so many of them. The fact that you could go to court

and fight a guy all day and then at the end of the day remain friends," inspired him.

I asked Jake what surprised him the most when he entered the practice of law and he responded, "that I wasn't born to be a criminal defense lawyer." Yet he volunteered later to "defend demonstrators, and lost 26 cases in the Hattiesburg Municipal Court in one afternoon following an NAACP boycott demonstration, a record that I haven't tried to improve on."

What advice would you give other lawyers, I inquired. "There's no one way to practice law. The law has room for every kind of person. My advice is follow your heart. You don't

"There's no one way to practice law. The law has room for every kind of person. My advice is follow your heart."

have to join a firm and climb the ladder; there are so many other avenues, teaching, public service ... I did and it brought me a tremendous body of experience and satisfaction. If you enjoy what you're doing, you're

probably doing it well. I believe that to be true."

There's much more to share with you about Jake Tanzer, but I am limited by my own rules of the length of articles. Please visit www.mbar.org to read Jake's complete memoir of his time in Mississippi in 1964 for the Department of Justice. It is especially good information for

anyone born after the early sixties to read, to develop a better understanding of the civil rights era and the sacrifices so many people made to improve the ability for people of all races to vote, demonstrate and receive the same education and justice as white members of the community.

To contact Jake Tanzer, you may reach him at jake@jtanzer.com or Jacob Tanzer Arbitration & Mediation, 4405 SW Warrens Way, Portland, OR 97221.



Jake and his wife Elaine

prosecuting the civil rights and murder cases near Philadelphia, Mississippi. To refresh your memories, in 1963 three civil rights workers, Michael

New Location for YLS News

Please go to the combined CLE and YLS insert to read all about the YLS and what it is doing.

Prize for YLS member: The first YLS member to find the question in the Announcements and the answer in the insert wins a \$25 gift certificate for lunch at a place of his or her choice. Send to judy@mbabar.org.



MBF Social Celebrates Donors, Civic Education and CourtCare



Jenna Mooney and Carol Noonan of Davis Wright Tremaine accept the CourtCare Campaign Proudest Pride trophy from the campaign chair, Hwa Go, for the most funds raised. The firm, its lawyers and staff have donated more than any other firm over the years, more than \$63,000.

Dana Sullivan receives the Loftiest Leap award for her firm, Buchanan Angeli et al for the most per-capita donations



Attendees enjoyed a delicious buffet at the MBF Social, hosted by Markowitz, Herbold, Glade & Mehlhaf



Mike Greene, former MBA and MBF President with Linda Love of the Williams Love O'Leary & Powers firm, which has generously donated money and staff time for years to make the annual CourtCare Campaign a success

Court Filing Fee Changes

by Susan Grabe
OSB Public Affairs Director



In response to concerns about filing fees raised by practitioners following HB 2287 in 2009, the OSB worked with the legislature and courts to simplify court filing fees. HB 2710 went into effect October 1 and eliminates multiparty fees and the \$10 fee for orders and judgments. Small claims jurisdiction is raised to \$10,000. Fees in civil actions and accounting fees in probate will still be graduated based on case size. One of the goals of the legislation was to eliminate many smaller motion fees, as well as

“One of the goals of the legislation was to eliminate many smaller motion fees....”

multi-party fees and replace these with larger up-front filing fees of more consistent amounts. This was intended to bring both greater uniformity and simplicity to the system, which

is demonstrated by the creation of a uniform fee schedule across the state.

In addition to looking at the fees charged, the legislature also took a close look at those entities that were receiving funding from filing fees. Most entities that previously received money from “add-on” fees, such as conciliation and mediation, law libraries, dispute resolution, etc., will continue to receive such appropriations, but will be subject to the Ways and Means process in future years.

Legal aid, however, will receive a flat amount that is roughly equivalent to the amount it had been receiving from filing fee revenue in previous years. In the 1970s, Oregon was the second state in the nation that directed an amount of filing fees to help fund legal aid, and now 32 states have this source of funding for their legal aid programs.

It is thought that dedicated filing fee funding for legal aid is more stable and less subject to the politicization of funding for legal aid. Although legal aid no longer has a purely “dedicated fee,” there is a statutory allocation and the OSB continues to have statutory oversight over the filing fee funding for legal aid.

Even though legal aid’s filing fee funding remained flat, Oregon’s legal aid programs are

facing 16% budget cuts. Filing fee funding for legal aid accounts for only about one third of legal aid’s budget. Other sources include federal funding through the Legal Services Corporation; Interest on Lawyer Trust Accounts; and the Campaign for Equal Justice.

“...Legal Aid lost its \$1 million appropriation from the general fund, while at the same time federal funding decreased by 4%....”

In 2011, Legal Aid lost its \$1 million appropriation from the general fund, while at the same time federal funding decreased by 4% and IOLTA funds dropped from \$3.6 million to a little over \$900,000, because interest rates were at an all-time low. Revenue for 2011-2012 for legal aid has decreased by more than \$3 million dollars at a time when the need for services continues to grow as the economy stagnates. As a result of the loss in revenue, legal aid has tried to prioritize services in areas around the state with the greatest need. Nonetheless, it has had to reduce its workforce by almost 30

“Nonetheless, it has had to reduce its workforce by almost 30 FTE statewide.”

FTE statewide.

The legislature will continue to examine court fees during 2011 and 2012, and the OSB and others will continue to work on ensuring stable funding for the court system and other entities that support our courts.

GARVEY SCHUBERT BARER

Attorneys

WELCOME

We are pleased to announce litigators Gary I. Grenley and Paul H. Trincherro have joined the firm's Portland office.

Gary Grenley joins as an owner. With more than 35 years of trial experience, Gary has successfully tried dozens of cases in state and federal courts, primarily in Washington and Oregon, with an emphasis on securities, real estate, antitrust, financing, trade regulation and other complex business-related matters.

Paul Trincherro is a senior-level associate who has practiced for more than a decade. His practice focuses on securities, intellectual property as well as real estate and commercial disputes.



▶ Paul H. Trincherro ▶ Gary I. Grenley

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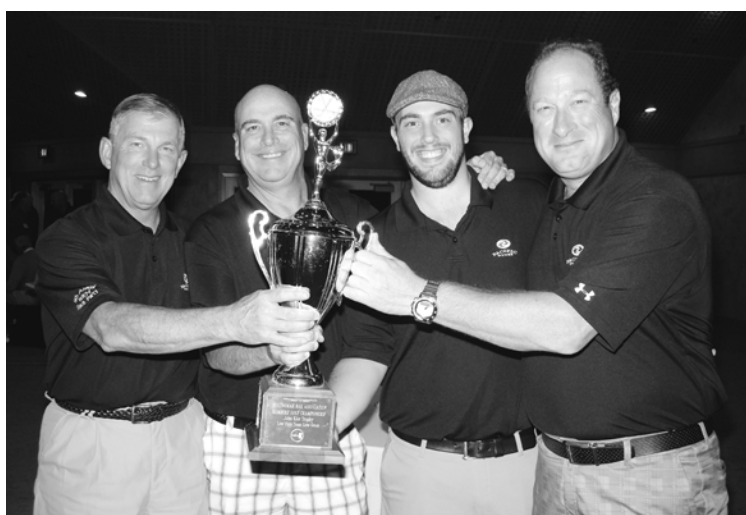
MBA Golf Results Championship at Columbia Edgewater

Twenty-four teams hit the links on a glorious autumn day to play in the 14th Annual MBA Golf Championship for VLP at beautiful Columbia Edgewater Country Club.

In the Firm Division, the low gross winner was Wallace Klor & Mann PC - John Klor, Lawrence Mann, Sky Wallace, Jr. and Schuyler Wallace III. The low net winner was Dunn Carney Allen - Ken Antell, Jon Bennett, Brian Cable and Don Templeton.

In the Open Division, the low gross winner was the team of Gary Grenley, Thomas Melville, Michael Wise and Lawrence Wobbrock. The low net winner was the team of Lee Aronson, John Barker, Paul Duden and Richard Urrutia.

Traveling trophies go to the 1st Place Firm low gross and low net teams and to the 1st Place Open low net team. Congratulations, all!



1st Place Law Firm Low Gross – John Klor, Lawrence Mann, Sky Wallace, Jr. and Schuyler Wallace III



Tab Wood, Wally Sweek, Ken Abere and Marcus Reed



Tim Resch and Bonnie Richardson

MBA Golf Raises Money for VLP

The amount of money raised for VLP will be announced in the December issue of the newsletter.

THANK YOU to our generous Golf Championship sponsors!

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Tips for Better Brief Writing and Oral Argument

by Hon. Donald C. Ashmanskas
US Magistrate, District of Oregon (deceased)

The following tips were distributed at the September memorial service in honor of Judge Donald C. Ashmanskas. He wrote this piece in 1997. It is based on his actual courtroom observations.

BRIEF WRITING

- 1. Concede Nothing:** Judges are impressed by tough lawyers. Make your opponent fight for every inch of ground, no matter how indefensible your position. If your opponent says today is Monday, move to strike for lack of personal knowledge. If you are persistent, you'll eventually wear the other side down.
- 2. Use the Shotgun Approach:** Make as many arguments as possible, no matter how weak. When in doubt, most judges just tote up the points, e.g., "plaintiff has ten arguments in her favor, defendant only one, so plaintiff must have the stronger case."
- 3. Phrase Every Argument in the Alternative:** If the complaint accuses your client of violating NEPA by not preparing an environmental impact statement, you should simultaneously argue that your client: (a) fully complied with all NEPA requirements for this project; (b) fully complied with NEPA for a prior project, and this is just a continuation of that project; (c) was not required to comply with NEPA; (d) complied with NEPA in spirit; (e) plaintiff lacks standing to contest your failure to comply with NEPA; or (f)....
- 4. Don't Give Away the Surprise Ending:** Briefs are like mystery novels – you don't want to ruin the suspense by revealing the surprise ending too early. Use the first 34 pages of your brief to lay out the most complicated legal puzzle

imaginable. Only after you have completely befuddled the other side (and the judge as well) should you play your ace in the hole. "In any event, this is all academic because [fill in the blank]." The judge will be awed by your legal tour de force.

- 5. Use All 35 Pages:** One of the most embarrassing things you can do as a lawyer is to file a 15-page brief when the local rules allow up to 35 pages. Your little brief looks wimpy sitting on the table next to your opponent's power-brief with its 49 attached exhibits all housed in deluxe wood-grain binders. You might as well attach a note saying: "Sorry, but my client has a very weak case and I can't think of any other arguments to make on her behalf." If you run out of things to say, just repeat the same arguments over again. No one will notice.
- 6. Always Attach Exhibits:** Exhibits lend an air of authority to a brief. It is no longer just a lawyer making an argument; how you have documentary proof of your client's position. If you don't have any exhibits, invent some. It really doesn't matter what you use because, if they are fat enough and contain lots of technical-sounding fine print and rows of numbers, no one will read them anyhow.
- 7. Ignore Controlling Authority:** A lot of lawyers assume they have an ethical duty to cite controlling authority contrary to the position advocated by their client; that is nonsense. By definition, if the judge doesn't follow a case, then it is not controlling. If it is not controlling, then you have no ethical obligation to cite the case. Seems simple enough to me.

- 8. Use String Citations:** Anyone can cite the latest Ninth Circuit authority. What really impresses the judge is citing a long list of pre-World War II cases from district courts in Louisiana and Mississippi that your law clerk cribbed from an old ALR article.
- 9. Cite Corpus Juris Secundum:** Can't find a case on point? Just cite CJS. It is comprehensive, authoritative and those Latin titles get the judge every time. It always worked for Perry Mason. In a pinch, the *Harvard Law Review* will suffice.
- 10. Don't Shepardize:** Shepardizing is expensive. If you cite a few dozen cases in a brief (or, for you string-citers, perhaps a few hundred cases), that adds up to a lot of pocket change, not to mention the time involved. Don't waste your money – the odds are that the key cases you cited are still good law. If they aren't, you're cooked and there is nothing you can do about it anyhow so, why throw good money after bad?
- 11. Cite Out-of-Circuit Authority:** I don't know why people think the Ninth Circuit is so special – it's just one of thirteen circuits. If Ninth Circuit case law doesn't favor your client, then cite a circuit that is more hospitable. Timid attorneys may want to put a little "but cf. XYZ (9th Cir. 1993)" at the end of the string-citation to avoid possible ethical problems. Alternatively, point out that the Ninth Circuit's position has not been followed by other circuits and urge the trial judge to overrule the Ninth Circuit. **Example:** "The circuits (with the sole exception of the Ninth Circuit) are unanimous in holding that the Civil Rights Act of 1991 is not retroactive. The Ninth Circuit's position is clearly an aberration and should not be followed."

See the continuation of this article in the December newsletter.

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Continued from page 3

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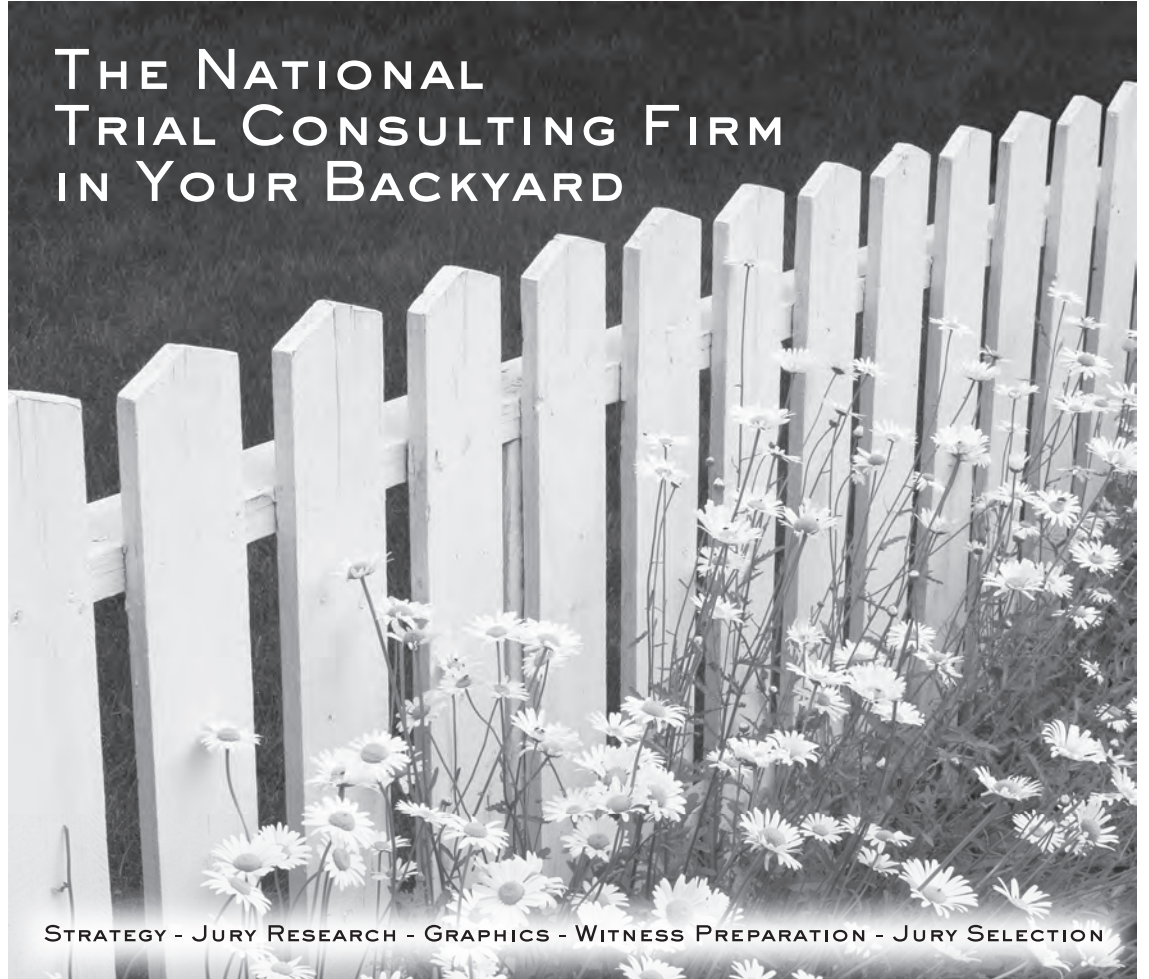
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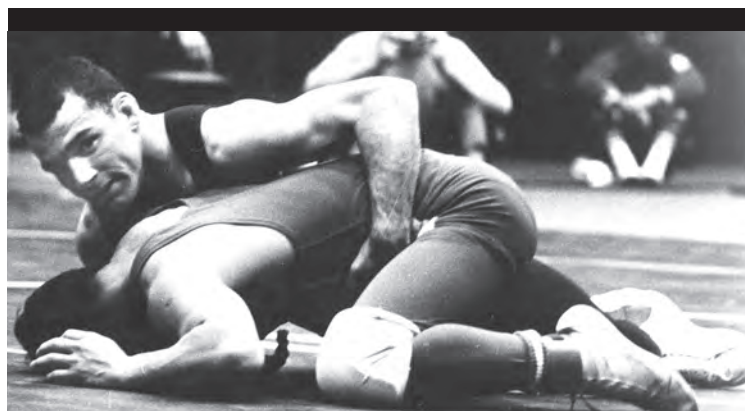
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Jonnel Covault, *Moment's Rest*, 2004

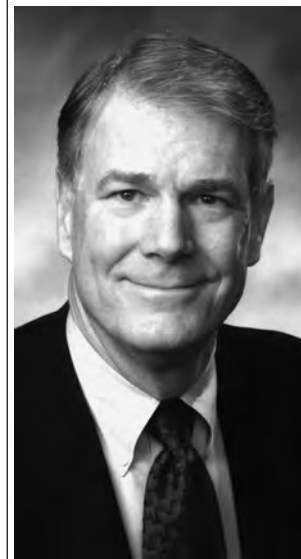
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Multnomah Bar Foundation

MBF Social Celebrates Donors, Civic Education and CourtCare

by Pamela B. Hubbs
Office and Foundation Administrator

The MBF recognized its donors and grantees and celebrated CourtCare's 10th anniversary and remodel at an October social generously hosted by MBF President Peter Glade and Markowitz Herbold Glade & Mehlhaf.

Hon. Janice Wilson and Mary Louise McClintock shared the history of CourtCare and the impact the program has had on the community and Multnomah County courthouse operations since 2001. The free childcare program has served over 8,000

children whose families must be in court and could not make other arrangements. Located in the courthouse, it is a project of the MBA and operated by Volunteers of America Oregon.

The CourtCare space underwent a beautiful remodel this spring coordinated by Markowitz Herbold's own Mary Rower and generously funded primarily by the firm as part of its 25th anniversary celebration. Numerous architects and contractors donated their time and materials to transform the space.

Hwa Go, CourtCare Campaign chair, presented the firm of Buchanan Angeli et al with the Loftiest Leap award for raising the most funds on a per-capita basis during this year's fundraising campaign and Davis Wright Tremaine the Proudest Pride award for the most funds raised within a firm during the campaign.

Guests had an opportunity to meet this year's MBF



Peter Glade, Cashauna Hill, Mary Louise McClintock, Kay Toran and Hon. Janice Wilson

grant recipients, including representatives from Bus Project, Classroom Law Project, League of Women Voters of Oregon, MetroEast Community Media, Sponsors Organized to Assist Refugees and the YOUthFILM

Project, who received a combined \$30,150 for their civic education and participation programs.

Another highlight of the evening was a sneak peek at the new civic education video series created in partnership with MetroEast Community Media. The first two videos, which will be released later this year, are set in the courthouse and include MBA members as extras.

Additional videos will be released in late spring, 2012. Please see additional photos of the MBF social on p. 10.

To learn more, visit mbabar.org/foundation.htm or contact Pamela Hubbs at 503.222.3275.



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Please see the descriptions of MBA CLE seminars and events on both sides of this insert. Photocopy, complete and mail or fax the registration form (see the opposite side) with payment to the MBA to reserve your space. **Or register online and receive a \$5 discount.**

Self-study materials from past CLE classes may be downloaded from the MBA website at www.mbar.org.

**November 9, 2011
Wednesday
3:00-5:00 p.m.**

World Trade Center - Mezzanine Room
26 SW Salmon, Portland

Members \$55/Non-members \$85

Mergers & Acquisitions: Latest and Greatest Hits

Has the economic worm finally made its turn and re-opened the exciting world of business transfers? Join a panel of experts: **Jeff Cronn**, head of Tonkon Torp's business department, **Jon Summers**, partner at White Summers Caffé & James and **Sam Orme**, investment banker with D.A. Davidson & Co to learn about the trends and environment in M&A today. We will explore how to prepare your clients for these big events, current transaction structures, the latest trends in definitive documents and much more!

For more information: Call Todd Cleek, Attorney at Law at 503.706.3730. With registration questions, call the MBA at 503.222.3275.

**November 10, 2011
Thursday
3:00-5:00 p.m.**

World Trade Center - Skybridge Room
26 SW Salmon, Portland

Members \$55/Non-members \$85

E-Discovery: The 200-Level Course

In this two-hour seminar, **Eleanor Chin** of Davis Wright Tremaine will discuss the discovery of structured data: electronic discovery beyond email. The presentation will use case examples and review current industry guidelines on requesting and producing electronically stored information from databases.

Blerina Kotori of Tonkon Torp will discuss e-discovery issues, starting with litigation hold to case closure. The presentation will focus on practical and legal considerations in approaching an electronic discovery case. The presenters will evaluate how to create an e-discovery action plan and customize it to each case, including communicating with the client, opposing counsel, and the court; understanding and capturing electronically stored information; and dealing with discovery disputes, including spoliation.

For more information: Call the MBA at 503.222.3275.

**November 30, 2011
Wednesday
12:00-1:00 p.m.**

World Trade Center
Plaza Conference Room
26 SW Salmon, Portland

Members \$35/Non-members \$45

Child Abuse Reporting

The MBA presents its annual seminar on child abuse reporting requirements. This program is intended to help lawyers meet their legal responsibilities as mandatory reporters, while maintaining their ethical obligations to clients. Questions to be addressed include the following:

- What are the reporting requirements?
- How do I recognize reportable child abuse?
- What is it that I'm really supposed to do?
- What happens if I make a report of abuse?
- What happens if I don't report when I should have?

Amber Hollister, Deputy General Counsel of the OSB will present a lively and practical discussion of the issues.

For more information: Call the MBA at 503.222.3275.

**December 7, 2011
Wednesday
3:00-5:00 p.m.**

World Trade Center - Mezzanine Room
26 SW Salmon, Portland

Members \$55/Non-members \$85

2011 Ethics Update

Keeping Your Foot Out of Your Mouth and Yourself Out of Trouble in the Electronic Age

Assistant OSB disciplinary counsels **Mary Cooper** and **Stacy Hankin** will discuss two new ethics opinions regarding metadata and what can be disclosed publicly when seeking to withdraw from a case. The opinions will be used as a springboard for wide-ranging discussions that will address how the computer, smart phones, iPads and social media such as Facebook and Twitter have affected ethical decision-making, trends in ethical violations over the past couple of years and how lawyers can stay out of trouble in the digital age.

For more information: Call Hollis McMilan, Attorney at Law at 503.972.5092. With registration questions, please call the MBA at 503.222.3275.

**December 8, 2011
Thursday
3:00-5:00 p.m.**

World Trade Center - Mezzanine Room
26 SW Salmon, Portland

Members \$55/Non-members \$85

Employment Related Immigration Law

Almost Everything You Need to Know But Did Not Think to Ask

This CLE will present an overview of certain employment-based temporary visa classifications such as E-1 and E-2 for treaty traders and treaty investors; F-1 for students; H-1B for professionals and specialty occupations; H-1B1 and E-3 for professionals and specialty occupations that are treaty based; J-1 for exchange visitors; L-1A and L-1B for intra-company transferees and managers and executives with specialized knowledge; O-1 for those with extraordinary ability; and TN for NAFTA professionals. The class will also cover the employment based permanent residence processes for labor certification applications, immigrant petitions and adjustment status applications. As time allows other topics may be addressed such as visa stamp applications, admissions inspections and Form I-9 eligibility verification processes. Our distinguished speakers are **Turid Owren** and **Alan Perkins** of Tonkon Torp.

For more information: Call Hollis McMilan, Attorney at Law at 503.972.5092. With registration questions, call the MBA at 503.222.3275.

**December 13, 2011
Tuesday
3:00-5:00 p.m.**

World Trade Center - Mezzanine Room
26 SW Salmon, Portland

Members \$55/Non-members \$85

Ethics: Attorney's Duties to Third Parties

We, as attorneys, have a duty of loyalty and confidentiality to our clients. But what duties do we have to third parties? When (if ever) during the course of interviewing a witness, must an attorney advise the witness of potential civil or criminal liability? Before finalizing a settlement, must an attorney produce the smoking gun document that has been requested but for which the deadline for producing has been extended pending settlement? When must we advise opposing counsel of an inadvertently produced privileged document? These and other thorny issues will be addressed by preeminent ethics advisors **Helen Hierschbiel**, General Counsel for the Oregon State Bar, and **Mark Fucile**, partner at Fucile & Reising. In advance of the two-hour CLE, please feel free to submit additional questions you would like the speakers to address on the topic of ethical duties to third parties.

For more information: Call Chris Kayser, Larkins Vacura at 503.222.4424. With registration questions, call the MBA at 503.222.3275.

December 14, 2011
Wednesday
3:00-5:00 p.m.

World Trade Center - Mezzanine Room
 26 SW Salmon, Portland
 Members \$55/Non-members \$85

Scientific Evidence in Oregon Courts

This class will address issues faced by attorneys working with scientific evidence in Oregon civil and criminal litigation. The CLE will include discussion of such topics as: learning the underlying principles associated with scientific evidence; the Oregon admissibility analysis; and strategies for using and attacking scientific evidence at trial.

Kevin Sali, a criminal defense attorney with the Angeli Law Group, will lead the class using examples from some of his recent cases. Mr. Sali entered the legal field after working first as a high school science teacher and then in a research laboratory.

For more information: Call Heidee Stoller, Ater Wynne at 503.226.8616. With registration questions, call the MBA at 503.222.3275.

January 24, 2012
Tuesday
3:00-5:00 p.m.

World Trade Center - Mezzanine Room
 26 SW Salmon, Portland
 Members \$55/Non-members \$85

Multnomah County Presiding Court Update

In this two-hour update session, the Multnomah County presiding judge and court staff will discuss the 2011 Supplemental Local Rules for Multnomah County Circuit Court and other issues unique to practicing in Multnomah County. This seminar is designed for attorneys at all levels of experience and questions are strongly encouraged.

For more information: Call the MBA at 503.222.3275.

MBA Offers Downloadable CLE Content

OSB members seeking CLE credit may purchase
 OSB CLE-accredited audio files and
 written materials at any time from
www.mbabar.org/digitaldownload.php.

Registration Form

Receive a \$5 Discount when registering online at www.mbabar.org.

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Member Status:
 MBA Member
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Payment Options:
 Check VISA MasterCard

Registration forms with payment must be received in the MBA office by 3:00 p.m. the day before the seminar, or the "at the door" registration fee will apply (see fees for each class and fill in the blank on registration form). Registration forms may be mailed or faxed to the address or number below. Accommodations available for persons with disabilities; please call in advance for arrangements.

Photocopy registration and mail or fax with payment to:

Multnomah Bar Association
 620 SW Fifth Ave., Suite 1220 ■ Portland, OR 97204
 503.222.3275 ■ Fax to: 503.243.1881

Register online and order or download MBA self-study materials at www.mbabar.org.
 Reduced fees for unemployed members are available and are assessed on a case-by-case basis.
 For details, call the MBA at 503.222.3275.

Seminar Selection:

Please select the seminar(s) you wish to attend. Written materials for each class are included with registration. Pre-registration with payment is required to reserve a space; at-the-door registrations are accepted if space is available; an additional \$5 charge will apply.

11/9 Mergers & Acquisitions: Latest and Greatest Hits

Class Registration Online (\$50 Members/\$80 Non) _____
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

11/10 E-Discovery: The 200-Level Course

Class Registration Online (\$50 Members/\$80 Non) _____
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

11/30 Child Abuse Reporting

Class Registration Online (\$30 Members/\$40 Non) _____
 Class Registration (\$35 Members/\$45 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

12/7 2011 Ethics Update

Class Registration Online (\$50 Members/\$80 Non) _____
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

12/8 Employment Related Immigration Law

Class Registration Online (\$50 Members/\$80 Non) _____
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

12/13 Ethics: Attorney's Duties to Third Parties

Class Registration Online (\$50 Members/\$80 Non) _____
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

12/14 Scientific Evidence in Oregon Courts

Class Registration Online (\$50 Members/\$80 Non) _____
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

1/24 Multnomah County Presiding Court Update

Class Registration Online (\$50 Members/\$80 Non) _____
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

Prefer Tapes & Written Materials (instead of CD)

Total due \$ _____

Jay Bodzin

Pro Bono Spotlight

by Abra Cooper
Schwabe, Williamson & Wyatt

In the short time he has been a practicing attorney, Jay Bodzin, a solo practitioner and founder of the Northwest Law Office in Portland, has dedicated a significant amount of his primarily domestic relations centered practice to providing pro bono legal services to those in need. Bodzin's interest both in pro bono work and in family law developed while a student at Lewis & Clark Law School.

"...[Bodzin] has dedicated a significant amount of his primarily domestic relations centered practice to providing pro bono legal services...."

During his second and third years as a law student, he volunteered with the Washington County Family Assistance Program as a family law facilitator, helping pro se litigants navigate the legal system. After graduating, Bodzin was briefly employed by the family assistance program before opening his own law practice.

Today, Bodzin continues to devote time and energy to pro bono clients, the majority of them in need of representation with respect to domestic relations issues. In addition to his domestic relations pro bono work, Bodzin has taken on clients needing help in other areas of the law, including bankruptcy. In one of Bodzin's larger cases, he represented a grandmother seeking legal custody of her twin grandchildren under

ORS 109.119, which allows individuals who can prove they have established emotional ties with a child creating a parent-child relationship to seek custody of that child.

"In order to rebut a parent's constitutional right to custody of the child, the petitioner must show that the child is at a serious risk of imminent emotional, psychological or physical harm. It's a high burden to meet," says Bodzin. He took on the case over two years ago, initially charging a modest means rate. Soon after, he began working entirely pro bono. In early October, the case went to trial, and eventually settled, the result highly favorable to Bodzin's client.

Bodzin currently serves as chair of the OSB Pro Bono Committee. With Bodzin at the helm, the committee has introduced an online bulletin board system allowing Oregon attorneys to connect with students at all three of the state's



Jay Bodzin

law schools for assistance and collaboration on pro bono cases.

With the number of people in both Multnomah County and Oregon in need of but unable to afford legal assistance increasing, there is no shortage of pro bono cases available for attorneys with the time and resources to take them on. For Bodzin, pro bono work provides an opportunity to "connect with a part of society that does not have access to the justice system. People who need pro bono help often live on the fringe of society. We may be intellectually aware of the struggles of those in need, but by working with these clients, we begin to understand their experiences."

mba yls | EVENT

Drop-In Social

Kells Irish Restaurant & Pub

112 SW 2nd Ave., Portland

November 15, 5:30-7 pm

Welcome lawyers who have recently been admitted to the OSB. Appetizers and refreshments provided.

Sponsored by  LexisNexis

YLS Member Profile

Levi S. Gatov Johnston

Professional Development & Education Committee member

- 1. What's your name and where are you from?** Levi S. Gatov Johnston from Bandon, OR.
- 2. What college and law school did you go to, and how did you get to Portland?** I went to college at Willamette and law school at Lewis & Clark. After undergrad, I taught English in Japan for three years, and wanted to come back to Portland and attend law school.
- 3. Where do you work and what do you do there?** I work at Intelekia Law Group. I am a founding member of the firm, along with two other attorneys. My practice includes sustainable business, business law, civil litigation and social equity law, such as consumer law, landlord tenant law, foreclosure defense.
- 4. How did you hear about the YLS?** Right after passing bar, I attended an MBA meet-

and-greet social at Kell's where YLS committee chairs made short presentations about their committees. Duke Tufty had a good pitch for the YLS PDE, so I decided to join that committee.

- 5. What do you like about the YLS?** The YLS is very active in the community (both legal and community at large), and provides great opportunities for social interaction, networking, volunteering and to be engaged in the profession.
- 6. What do you think the YLS needs more of? Less of?** I would like to see more service opportunities in the community at large, like the Pro Bono Pedal and volunteering at the Oregon Humane Society.
- 7. When did you join the committee? Why did you join?** I joined the committee in the fall of 2009. I liked the opportunity to get involved



in the MBA and liked the mission of the PDE committee and service to the bar.

- 8. Tell us about your experience on the committee?** The committee is very well organized and has a good track record of putting on high quality CLE programs for new attorneys. That being said, it is not content to rest on past successes and is always looking to put on CLEs covering different areas. The

Continued on next page

Pro Bono Young Lawyers Section

Our Challenge

by Nicholas A. Kampars
YLS President
Davis Wright Tremaine

It is not an easy time to be a new lawyer. The economic conditions over the past few years have caused many law firms and other legal employers to adjust their hiring practices, with the greatest impact on recent law school graduates. Lawyers in this state are not immune to the national trend showing a broad decline in the employment statistics of recent law school graduates and young lawyers. The ranks of unemployed and underemployed lawyers are higher now than they have been in quite a long time.

In response to these conditions, many industrious young lawyers have bravely "hung out their own shingle" – with great success. But concerns persist that their development of practical skills will be stunted if they don't obtain employment in a legal field. Another concern is that a great number of new lawyers will turn to non-legal employment, thereby forever impacting the future of our profession. These concerns, and the burdens they create, can be heard in virtually any conversation at a YLS event.

These are problems that affect us all. Unfortunately, there is no quick fix and, until the economy improves, the market for legal employment will remain depressed and the problems associated with it will continue. Although certainly not a replacement for the need for legal employment, the YLS does offer programs that enable unemployed and underemployed lawyers to network and develop mentoring relationships, and gain practical experience by providing services to those in our community who need it most.

First, the MBA mentorship program offers young lawyers the opportunity to connect with a respected member of our bar. The mentor program is not designed to be an avenue to pursue employment with the mentor or the mentor's firm, but it is a way to develop contacts that may foster employment.

It is also a way for a young lawyer who may be starting his or her own practice to have a resource for questions every young lawyer faces. The new OSB mentorship program, which is required of all new admittees, will work in conjunction with the MBA mentorship program and will utilize many of the outstanding mentors in the MBA. If you are interested in becoming a mentor or signing up as a mentee, please contact Kathy Modie at the MBA (kathy@mbabar.org).

The YLS Pro Bono Committee also offers a number of programs that enable young lawyers to provide legal services to individuals and nonprofit organizations. The committee can help young lawyers find opportunities to develop their practical skills while providing much needed legal services to the underrepresented in our community. For more information, please contact the chair of the Pro Bono Committee, Ben Cox (ben@coxlawpdx.com) or Ryan Mosier at the MBA (ryan@mbabar.org).

Finally, the YLS continuously seeks active involvement from its members, through the six committees that implement our organization's projects and activities. Involvement in the YLS, whether it be through a committee or by just attending one of our events, provides all lawyers with the opportunity to connect with peers. It is these relationships that have the greatest potential to help unemployed lawyers connect with others who may have employment opportunities, and is a resource that should not be overlooked.

It may seem like there is little we can do to correct the underlying problems impacting the legal economy and the resultant employment issues, but we can all make sure the future generations of lawyers are supported through this difficult time. Our bar will only be better for it.

webcheck

The Young Litigators Forum CLE series starts January 19. Sign up at <http://www.mbabar.org/ylsclc.htm>.

Using Dropbox

by Charley B. Gee
Swanson Thomas & Coon



What is Dropbox?

Dropbox is a growing Web tool that enables users to access a shared drive or share files with others without having to clog email in-boxes or set up an FTP server. Dropbox is one of the biggest names in “cloud computing,” wherein a user’s files are stored on a server and are accessible from any computer. It ranges in cost from free for two gigabytes of storage to \$19.99 a month for 100 gigabytes.

I use it quite often to transfer large files to opposing counsel, experts and clients, through the use of a “Public Link.” By uploading the file(s) to the Dropbox folder and emailing the link to the recipient, this solves the problem of sending digital files that are too large for email or waiting for a CD by mail. Recipients can then click on the link and download the file without even needing to install the Dropbox software on their computer. Users of Dropbox can also share folders with one another which allows simultaneous access to

synchronized folders.

The Dropbox site has a short tutorial that explains how it works. You can see it by going to www.dropbox.com

Security Concerns

However, Dropbox poses some concerns for attorneys and their staff. The “Public Link” can be accessed by anyone who has the link. Once you get word that the file has been downloaded, a user can delete the file from their Dropbox directory and the link will no longer be valid.

Dropbox’s privacy policy also raises certain concerns for attorneys, namely that Dropbox’s own encryption is not adequate and that Dropbox employees may have access to user folders.

Safeguards

While the OSB has no formal ethics opinion regarding the use of cloud computing technology, Helen Hierschbiel, General Counsel at the OSB and Beverly Michaelis, Law Practice Management Advisor with the Professional Liability Fund, have both written on the concerns this type of technology presents.

In her article “Safeguarding Client Information In a Digital World” published in the July 2010 issue of the OSB *Bulletin*, Hierschbiel advises that “[c]ompetently safeguarding client information does not require a lawyer to become a computer or technology whiz. Instead it requires that lawyers be able to identify the potential problem,

and consult an expert when they are in over their heads.”

While Dropbox may present some concerns, the prudent attorney can take steps to safeguard his or her client’s information without going so far as to hire an expert.

The first step is common sense. While Dropbox may be the

“...the prudent attorney can take steps to safeguard his or her client’s information....”

perfect tool for transferring a large amount of data, the type of data transferred should be considered. Lawyers may be better off sending highly confidential or sensitive documents by old-fashioned postal service rather than by Dropbox.

Second, an office could use a third-party encryption program, such as TrueCrypt Volumes (free and open source but somewhat complicated to use) or Secret Sync (professional level license is \$59.95 a year). These programs will add a layer of encryption to Dropbox that is not provided in the program itself.

Third, a user could use Windows to create a compressed .zip file and password protect it. While this does not provide much protection against anyone who is determined to access the information, it does protect against inadvertent disclosure.

Dropbox and other cloud computing solutions can provide law offices with tools to manage and transfer large amounts of information painlessly. However, this emerging technology requires lawyers to be mindful of the risks involved and to use common sense and diligence in protecting client information.

YLS Member Profile

Continued from previous page

CLEs are all successful and well attended. Everyone on the committee participates and pitches in.

9. Has your committee membership helped with your professional or personal goals? If so, how? Yes. Participating in the committee is a great opportunity to network with other young attorneys from a variety of firms and situations.

10. What have you found most rewarding about volunteering for the committee? People who

attend the CLEs really enjoy them, and it’s very gratifying to know that I’ve been a part of that.

11. What have you found most surprising about volunteering for the committee? Volunteering has been less burdensome than I thought at first. The committee is so well organized that the responsibilities are very clearly laid out and it’s easy to participate.

12. What is your favorite YLS event or activity? Why? It’s a tie between the MBA golf outing at Edgefield and volunteering for the Humane Society - one is golf and beer

and the other is playing with dogs and cats!

13. If you weren’t on this committee, what committee would you be on? The Service to the Public Committee.

14. What are you currently reading (non-legal)? *Llama Llama Misses Mama*, a children’s book. I have a one-year-old son!

15. What is your favorite restaurant? It’s impossible to pick just one in Portland! For Brunch, Sanborn’s. For dinner, Dig a Pony.

16. What do you do for fun? I like to go to the dog park and go to Blazer’s games.

17. Tell us something about yourself that not many people know? I’m a sixth-generation Oregonian.

18. What do you like about Portland? Portland has everything - lots of fantastic food, great beer, festivals, dog parks, bike paths, lots of character and a healthy commitment to local products.

YLS Update

We want to hear what you think about the new location of the YLS news. If you have suggestions, we would like to hear them too. Please send all comments to Judy Edwards, MBA Executive Director, at judy@mbabar.org

The YLS president who was a Legal Aid attorney while she was in office was Cathy Keenan.

Pro Bono Volunteers

Thanks to the following lawyers and law students who donated their pro bono services in August and September 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, go to www.mbabar.org and click on “About Us” and “Pro Bono.”

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Wine & Good Cheer Abound at Autumn Social

by Jennifer List
YLS Membership Committee member

On September 21, the YLS Membership Committee co-hosted a wine tasting social at Blackbird Wine Shop with the Financial Planning Association and the Oregon Society of CPAs. Members from all three organizations enjoyed tastings of various wines while networking and socializing in a convivial atmosphere. Andy Diaz, the owner of Blackbird Wine Shop, entertained and educated those wishing to learn more about the selected wines with generous pours and insightful narratives.

A raffle drawing was held for wines from Blackbird, as

well as gift cards from Starbucks and Amalfi’s Italian Restaurant. Each host organization donated raffle prizes. After the event, the gathering moved to Alameda Brewhouse, which generously provided gift certificates to attendees.

The YLS would like to acknowledge the support of the Financial Planning Association and the Oregon Society of CPAs and give a special “thanks” to Blackbird Wine Shop, Amalfi’s Italian Restaurant, Alameda Brewhouse, and all the attendees who turned out to make this social such a great event.



Attendees at the Sept. 21 social. See more YLS event photos and upcoming event information at www.mbabar.org/ylsevents.htm



Like us on Facebook!

Visit facebook.com/MultnomahBarAssociation

and our page for timely news and event information.