



A Call to Action

by Judge Eric L. Dahlin
Multnomah County Circuit Court
and Chair of MBA New Courthouse
Committee

I was one year old when Multnomah County first considered replacing the downtown Portland courthouse. I am now 49. Time sure does fly by. The good news is that we are on the cusp of finally having a new courthouse. The architects and engineers are finishing

their designs. The official groundbreaking ceremony was held on October 4, marking the beginning of light construction. Heavy construction will begin in January 2017. And the move-in date is expected for Spring 2020.

Even though we are so close to having the new courthouse built, we are not quite there; we need your help to see it through completion. The county has already committed much of its share of the roughly \$300 million project, and the county and the courts will be asking the legislature during the 2017 session to approve bond funding in the amount of \$92.6 million to complete the project. The legislature has shown a strong commitment to this project and an understanding that it cannot wait any longer, but it would be helpful if members of the MBA contact their representatives and senators - by mail, email, phone, or in person - to reinforce the need to complete the funding of this crucial project. Please take a few moments out of your busy day to reach out to your legislators. The current courthouse is vastly outdated and unsafe and desperately needs to be replaced.

You may ask why there is such a big request for money at this late stage. Yes, this is a big ask, but the legislature has already provided \$32.4 million for this project knowing that the expectation was it would be asked to fund the \$93 million in 2017. There are two



reasons why this amount has not already been committed. First, the legislature generally does not fund projects until the time when the expenses will be incurred; the monies being requested are for the costs of the heavy and final construction in the next biennium. Second, one legislature cannot bind a future legislature to continue funding a capital project, so even though the legislature in prior sessions has expressed great interest in funding this project, the 2017 legislature must give the funding request the final stamp of approval.

Building a new courthouse is not just about having a modern building where lawyers can try cases; it is about the safety and security of the hundreds of employees who work there and the thousands of people who pass through the courthouse doors each week as students, jurors, witnesses, litigants, and victims. The new courthouse will also serve the public much better than the existing



courthouse and be more "customer service" friendly. Among other things, it will be fully ADA compliant, the CourtCare space will be tripled in size so that

more children can stay there while their parents are in court, and the law library will be transformed into a legal resource center to help self-represented litigants navigate their way through what can be a complex court system. There will be roughly 60 conference rooms throughout the building for meetings between lawyers and clients. Each courtroom will be equipped with state-of-the-art audio-visual equipment allowing for more effective presentation of evidence and allowing for more hearings to take place remotely without requiring the litigants to travel downtown. And there will be high-tech kiosks to help make it easier and more efficient for members of the public to make payments and schedule matters.

This is an expensive and complicated project, which helps explain why it took a lifetime (at least my lifetime) to reach the point where we are today. Great thanks go to the Multnomah County Commissioners - especially Chair Deborah Kafoury and Commissioner Judy Shiprack - for being such strong advocates for the project and making this a top priority for the county. It would have been easy to kick this tough project down the road for another day, but the Commissioners showed great will and persistence to get the job done. Special thanks also goes to the Oregon legislature - particularly House Majority Leader Jennifer Williamson, Senator Richard Devlin, Senate President Peter Courtney and House Speaker Tina Kotek - for its help thus far in funding this project and other courthouse projects around the state. And special recognition also goes to Presiding Judge Nan Waller for her tireless work and countless hours advocating for the new courthouse.



We can't afford to wait another year, let alone a lifetime, to get this vitally important project completed. Thanks in advance for your help in seeing this through to the finish line.

For additional information and pictures about the courthouse project you can go to www.multco.us/central-courthouse.

mba|CLE

To register for a CLE, please see p. 3 or go to www.mbabar.org and log in as a member to register at the member rate.

NOVEMBER

11.2 Wednesday
Child Abuse Reporting
Mark Johnson Roberts
Rahela Rehman

DECEMBER

12.1 Thursday
The Robe as Sword and Shield: How Should the Bench Model and Enforce Professionalism?
Judge John Acosta
Ed Harnden
Judy Snyder

12.7 Wednesday
Representing Incapacitated Clients
Michael Fearl
Tim McNeil
Julie Meyer Rowett

12.13 Tuesday
Effective Use of Time & Technology: Eliminate, Automate, Delegate, Do
Tom Howe

12.15 Thursday
Appellate Update
Judge Stephen Bushong
Justice Rives Kistler

JANUARY

1.11 Wednesday
Evidence in Family Law
Hon. Patrick W. Henry
Daniel Margolin

1.26 Thursday
Brewery Law: The Top 10 Things You Didn't Know You Don't Know
Marcus Reed
Jesse D. Lyon

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mba|EVENT

Bench Bar & Bagels

Thursday, November 10
Tonkon Torp
888 SW 5th Ave., Ste. 1600, Portland
7:30-8:30 a.m.

The MBA hosts the eighth annual "Bench Bar and Bagels" on Thursday, November 10. 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: \$10.

Special thanks to our sponsor and host:



Please RSVP to Kathy Modie,
kathy@mbabar.org.

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DEADLINE for copy: The 10th of the month*

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*or the preceding Friday, if on a weekend.

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Calendar

NOVEMBER

24-25 Thursday-Friday
Thanksgiving Holiday

2 Wednesday
MBF CEF – Karaoke Night
Details on p. 12

3 Thursday
MBA New Admittee Social

10 Thursday
Bench, Bar & Bagels
Details on p. 1

10 Thursday
December *Multnomah Lawyer* deadline

15 Tuesday
Solo & Small Firm Workshop
Practice Management
Software
Details on p. 2

DECEMBER

8 Thursday
OSB Awards Luncheon
www.osbar.org

9 Friday
January *Multnomah Lawyer* deadline

14 Wednesday
Solo & Small Firm Workshop
The Path to Paperless
Details on p. 2

LAWYERING IN THE DIGITAL AGE

A Fall Workshop Series for Solo and Small Firm Practitioners

Session 3

Navigating the World of Practice Management Software for Small Firm or Solo Practitioner

Tuesday, November 15, noon-1:30pm
Red Star Tavern Club Room, 503 SW Alder St.

Local personal injury and criminal defense lawyer **Quinn Posner**, Posner Law Office, will lead a discussion focused on finding the best software options that are user-friendly for small offices and which will simplify managing your business and organizing your law practice. Whether you're just opening your firm or are trying to make some changes in your existing practice, this workshop is for you.

Session 4

The Path to Paperless: Making the Switch Work in Your Practice

Wednesday, December 14, 2016, noon-1:30pm
Red Star Tavern Club Room, 503 SW Alder St.

As the practice of law becomes increasingly digitized, mobile, and cloud-based, firms large and small are exploring the most efficient, effective and secure ways to store and transmit data in paperless form. Our presenters include an expert who has literally "written the book" on going paperless, along with representatives from two local firms who have successfully transitioned to paperless law offices. **Sheila Blackford**, PLF Practice Management Advisor and co-author of *Paperless in One Hour for Lawyers*, will discuss the best strategies for moving your law office into the digital age. Ms. Blackford will be joined by **Ryan Vanden Brink** from Intelekia Law Group, and **Heather Bowman** from Bodyfelt Mount. Intelekia Law has been named a partner in the OSB Sustainability Program as well as the ABA Office Climate Change Challenge. Bodyfelt Mount was awarded the OSB's 2014 Sustainable Law Office Leadership Award.

Register at www.mbabar.org. Workshops are \$20 for members and \$60 for nonmembers.

The MBA will apply for CLE credit as applicable. The sessions are set up to allow time for networking and questions and answers. Lunch is provided. Please let us know if you have any special needs (vegetarian, gluten-free, etc.).

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The MBA will apply for 2 hours of general OSB MCLE credit unless otherwise noted; 2 Washington MCLE credits may be obtained independently. Registrants who miss the seminar may request the written materials. Substitutions are welcome. Registration fees are non-refundable.

Unless otherwise noted, all classes are held at the World Trade Center, 26 SW Salmon, Portland.

**The Robe as Sword and Shield:
How Should the Bench Model and Enforce Professionalism?**

Thursday, December 1, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Note: Two hours of ethics OSB MCLE credit will be applied for.

A panel of judges committed to advancing professionalism among the bar will discuss the role the bench plays in enforcing professionalism both inside and outside the courtroom. A panel of judges, including US District Court **Judge John Acosta**, will discuss their role and the bench's responsibility to enforce civility and professionalism in a panel discussion with **Judy Snyder** and **Ed Harnden**.

This is an interactive CLE intended to give the bar an opportunity to hear from and communicate with the bench about issues of professionalism that commonly arise and how the court can be of assistance. The panel will discuss specific scenarios and will address questions from the audience. New lawyers and experienced litigators are encouraged to attend and contribute.

For more information: Contact Multnomah Circuit Court Judge Kelly Skye at 503.988.3204. For registration details, call the MBA at 503.222.3275.

Representing Incapacitated Clients

Wednesday, December 7, 2016 - 3:00-5:00 p.m.

World Trade Center, Plaza

Members \$60/Non-Members \$95

What ethical rules guide legal representation of a client suffering from dementia or another incapacitating condition? **Julie Meyer Rowett**, Yazzolino Rowett & Edgel LLP; **Tim McNeil**, Davis Pagnano McNeil & Vigna, LLP; and **Michael Fearl**, Schulte, Anderson, Downes, Aronson & Bittner, P.C., will discuss the ethics and mechanics of representing an incapacitated client in the context of elder law and family law.

For more information: Contact Mindy Stannard, McKinley Irvin at 503.487.1645. For registration questions, call the MBA at 503.222.3275.

Effective Use of Time and Technology: Eliminate, Automate, Delegate, Do

Tuesday, December 13, 2016 - 3:00-5:00 p.m.

World Trade Center, Plaza

Members \$60/Non-Members \$95

Successful lawyers use technology and manage their time effectively to reach their goals. While efficiency is important, effectiveness is the key! See how technology can increase your productivity, and how to choose the right system for your law firm. Learn essential ways to manage time to help you get more done and be more effective. Benefit from valuable tips and strategies to become a high performer, such as creating a plan, developing habits, eliminating unimportant tasks, learning to say "no," and using computers and smartphones effectively to increase productivity and deal with information overload. Work smart, not hard. Included with this CLE are over 20 Microsoft Word and Excel documents.

A trial lawyer with a deep technical background, **Tom Howe** has over 25 years of experience in law and technology. He is one of the leading e-discovery lawyers in the country, providing legal/technology consulting and expert witness services to some of the largest law firms, corporate legal departments, and e-discovery vendors in the

United States. Tom is a regular keynote speaker at legal and technology conferences around the world, and has authored five books on law and technology.

For more information: Contact the MBA at 503.222.3275.

Appellate Update

Thursday, December 15, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Please join the MBA for a two-hour update on Oregon appellate decisions. Multnomah County Circuit Court **Judge Stephen Bushong** and Oregon Supreme Court **Justice Rives Kistler** will present an overview of key decisions from the Oregon Court of Appeals and Oregon Supreme Court from 2016. These esteemed speakers will touch on issues relevant to nearly all practitioners. An absolute "must-see" to wrap up 2016 and prepare for a new year.

For more information: Contact Molly Honore, Markowitz Herbold at 503.295.3085. For registration questions, contact the MBA at 503.222.3275.

Evidence in Family Law

Wednesday, January 11, 2017 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

The **Honorable Patrick W. Henry**, Multnomah County Circuit Court judge and lawyer **Daniel Margolin**, Stephens & Margolin, will lead an interactive presentation on challenging evidentiary issues in family law case.

For more information: Contact Mindy Stannard, McKinley Irvin at 503.953.1032. For registration questions, contact the MBA at 503.222.3275.

Brewery Law: The Top 10 Things You Didn't Know You Don't Know

Thursday, January 26, 2017 - 3:00-5:00 p.m.

Widmer Brothers Brewery, 947 N. Russell St.

Members \$60/Non-Members \$95

Oregon is home to more than 200 breweries which produce more than 1.7 million barrels of craft beer every year. Most of those breweries are run by small businesses that need attorneys to help them navigate through the complex regulatory system governing alcohol production, distribution, and sales. This seminar is designed to assist practitioners who advise or represent these businesses, and provide them with the tools they need to avoid common problems and pitfalls. Presenters: **Marcus Reed**, General Counsel for Craft Brew Alliance and **Jesse D. Lyon**, Davis Wright Tremaine LLP. Topics covered will include:

- TTB permits, OLCC licensing, and multi-state brand registration
- 50 state framework
- Funding and tied-house constraints
- Advertising, promotion, and trade practice rules
- Self-distribution, 3-tier distribution and franchise laws
- Brewery facilities, contract production and alternating proprietors
- Pub and retail operations
- Labels and trademarks

For more information: Call Alex Williamson, Prange Law Group, LLC at 503.595.8199. For registration questions, please call the MBA at 503.222.3275.

CLE Registration Form

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Registration forms with payment must be received in the MBA office by 3 p.m. the day before the seminar. 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.

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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.

- 12/1 The Robe as Sword and Shield**
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- 12/7 Representing Incapacitated Clients**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____

- 12/13 Effective Use of Time and Technology: Eliminate, Automate, Delegate, Do**
 Class Registration (\$60 Members/\$95 Non)\$ _____
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- 12/15 Appellate Update**
 Class Registration (\$60 Members/\$95 Non)\$ _____
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- 1/11 Evidence in Family Law**
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 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____

- 1/26 Brewery Law: The Top 10 Things You Didn't Know**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____

Total due\$ _____

Register online and order or download MBA self-study materials at www.mbar.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.

Ethics Focus

Internal Law Firm Privilege at Small(er) Firms

by Mark Fucile
Fucile & Reising LLP



One of the most significant trends at law firms over the past 20 years has been the designation of specific lawyers within the firm to act as the firm's internal counsel. Many larger firms today have general counsel, ethics or claims counsel or an equivalent committee. Along with this increasing "institutionalization" of ethics and claims advice within firms has also come the increasing recognition of the attorney-client privilege for this internal advice - with Oregon joining the states recognizing internal law firm privilege two years ago with the Oregon Supreme Court's decision in *Crimson Trace Corp. v. Davis*

Wright Tremaine LLP, 355 Or 476, 326 P3d 1181 (2014). (The Ninth Circuit had earlier recognized internal privilege under federal law in *United States v. Rowe*, 96 F3d 1294, 1296-97 (9th Cir 1996). *Loop AI Labs v. Gatti*, 2016 WL 730211 (ND Cal Feb 24, 2016), discusses the parameters of the federal rule

For small and midsized firms, titles like "general counsel" and concepts like "internal law firm privilege" may seem to be the exclusive domain of large firms. But, small(er) firms can also benefit from having a designated point-person for internal ethics and claims advice and from the protection afforded by privilege. In this column, we'll look at both the benefits of having someone in this role and the requirements for establishing privilege.

Internal Advice

When facing difficult issues of professional responsibility or potential claims, one of the most important steps an individual lawyer can take is talking the matter through with a trusted colleague. Someone who has broad experience and seasoned judgment will often bring a perspective to an issue that a firm lawyer who is in the middle of a difficult situation cannot.

In many small and midsized firms, this role is often played by the managing partner or a senior litigator. Although litigation experience is helpful in assessing claims-related issues, business lawyers can certainly fill this role with equal success if they have

the requisite judgment and trust of their colleagues. The person chosen does not necessarily need to be an expert in legal ethics or legal malpractice. Many questions turn more closely on sound practical judgment than the technical aspects of the RPCs or substantive malpractice law. Further, for those situations that do require that kind of specialized expertise, the internal lawyer can often coordinate that with outside counsel or the PLF.

In many instances, firms creating a formal position simply need to look at who within the firm lawyers and staff already turn to for advice. That person likely has both the judgment necessary and, equally important, the "bedside manner" that will encourage lawyers and staff to seek out advice proactively.

Internal Privilege

One of the benefits of internal advice is that - if properly structured - it should be protected by the attorney-client privilege.

Applying its longstanding analysis under OEC 503, the Supreme Court in *Crimson Trace* found (335 Or at 486) that privilege will apply to internal law firm communications if three requisites are met: "First, the communication must have been between a 'client' and the client's lawyer . . . Second, the communication must have been a confidential [one] . . . Finally, the communication must be 'made for the purpose

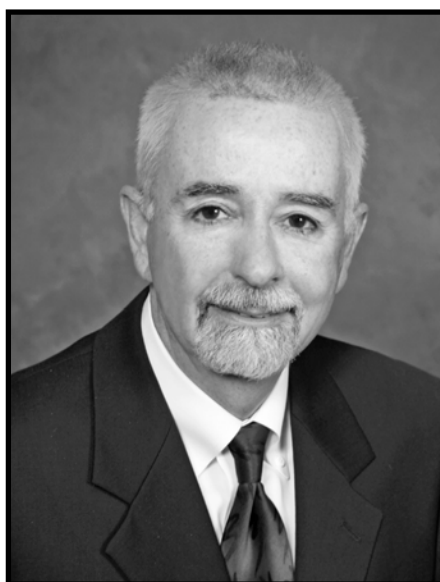
[of] facilitating the rendition of professional legal services to the client." We'll examine each in more detail.

The Supreme Court in *Crimson Trace* noted that in the law firm setting the firm itself is the holder of the privilege as the "client." In that sense, the internal law firm privilege is very similar to the privilege held by any other business or governmental entity. As with our in-house colleagues in business and government, it is important for the lawyer providing advice internally at a law firm to remind the recipients that internal counsel is the "firm's lawyer" rather than their personal attorney. On the "lawyer" side, it can be essential for the firm if challenged later to show that the firm had taken the affirmative step of designating a particular lawyer or group of lawyers within the firm to play this role rather than trying to do it after-the-fact.

In rendering the advice, the same considerations on confidentiality that we would use when discussing a sensitive matter with a firm client should

also be used when we are providing advice on an equally sensitive matter for a firm lawyer. The standard of who "needs to know" within a firm will vary with the circumstances, but lawyers rendering advice will want to review *State ex rel OHSU v. Haas*, 325 Or 492, 942 P2d 261 (1997), for its extended discussion of the parameters of sharing attorney-client communications within an entity client.

The "purpose" requirement highlights two related considerations. First, privilege will most likely be upheld where the lawyer rendering the advice is not a participant in the underlying matter. With a clear line of demarcation, it will be much easier to demonstrate to a court if privilege is challenged (for example, in a subsequent legal malpractice case as in *Crimson Trace*) that the advice was rendered on behalf of the firm rather than the client in the underlying matter. Second, for the same reason, privilege will most likely be upheld when the client in the underlying matter is not billed for internal counsel's time.



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1906

Introducing Krista Shipsey

Krista Shipsey was appointed to the MBA Board to replace Judge Eric L. Dahlin, who resigned when he was appointed to the bench.

Krista has a solo criminal defense practice. She is currently serving as chair of the MBA Judicial Screening Committee.

Krista graduated from the University of Oregon School of Law in 1994 and was admitted to the OSB that same year.

The MBA welcomes Krista to the Board of Directors.



Krista Shipsey

mba | ANNOUNCEMENTS

Free CLE Webcast to MBA Members

The video webcast of the seminar entitled All's Well That Ends Well: Settlement Agreements and Releases is available in the Members Center at www.mbar.org. The webcast is approved for two hours of general OSB MCLE credit.

MBA members receive access to a rotating selection of six different CLE seminars each year - a \$360 value.

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 at: www.mbar.org/assets/documents/resources/freq-requested/profcertorder.pdf.

Take a Matter that Matters

Sign the MBA Pro Bono pledge at www.mbar.org/about-us/pro-bono.html and commit to taking at least one pro bono case this year.

Noon Bicycle Rides

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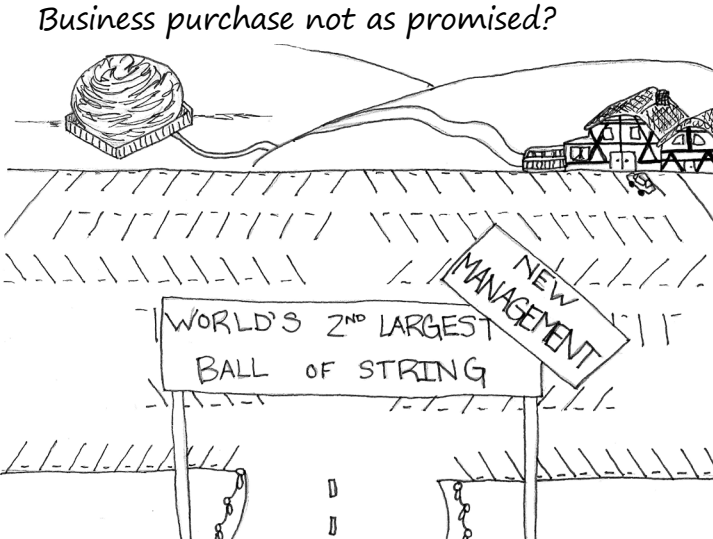
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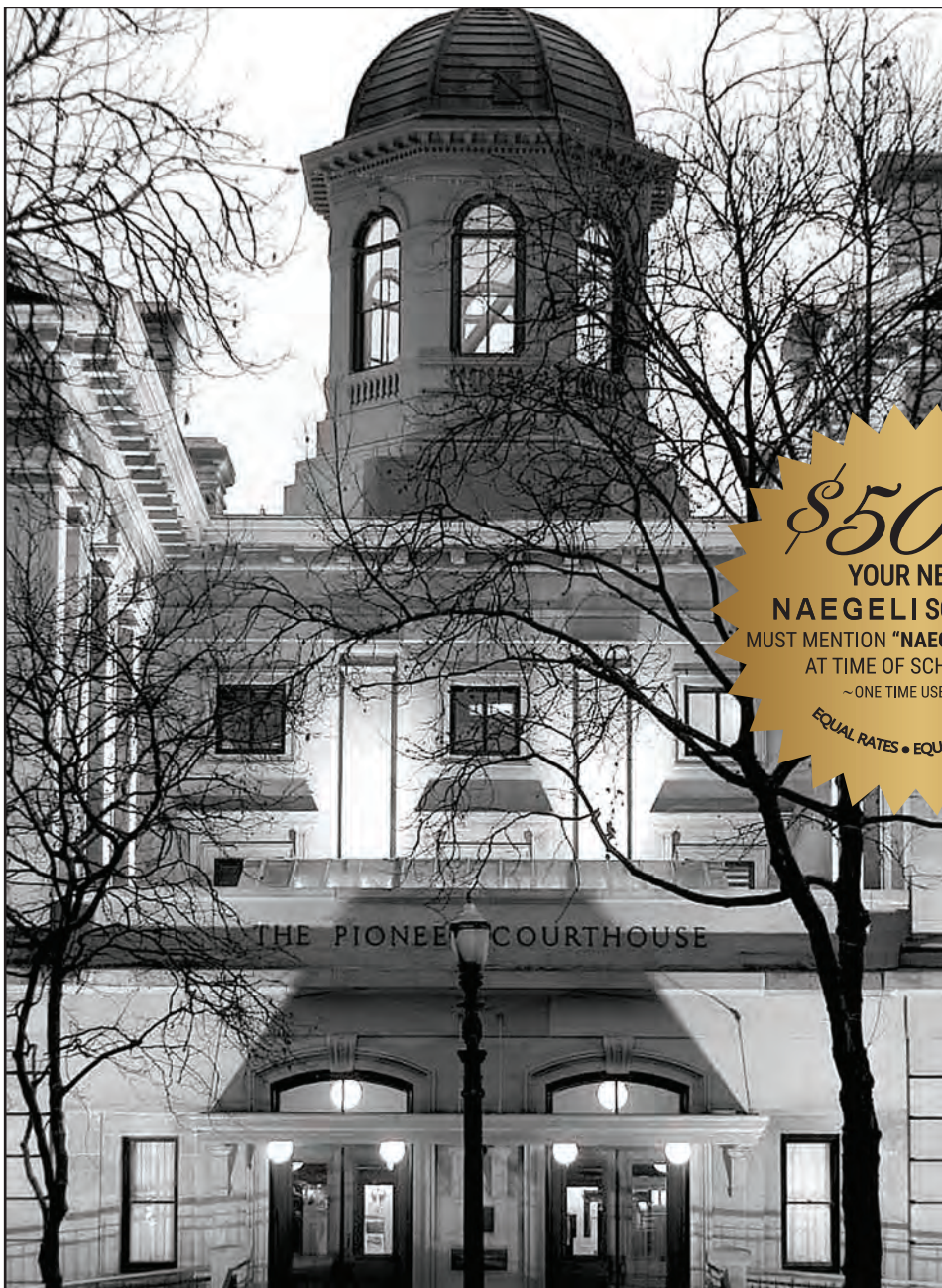


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Jeff Bowersox has been appointed by the Federal Court to the Plaintiffs' Steering Committee (PSC) for the Nationwide products liability litigation against 3M related to its Bair Hugger® surgical warming blanket devices and alleged deep joint infections.

Jeff is serving on multiple subcommittees of the PSC. The PSC has responsibility to conduct all depositions and seek and manage document and ESI production from defendants to prepare plaintiffs' case for Bellwether trials.


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Around the Bar



Bill Kabeiseman

While in law school, Chester worked in 2015 as a summer intern for Cosgrave. He also worked as a clerk for the Financial Fraud and Consumer Protection Section of the Oregon Department of Justice. When he's not working, he enjoys playing pick-up basketball, playing the guitar and catching up on his favorite podcasts. Chester was admitted to the OSB in 2016.



Carrie Richter

Bateman Seidel

Bateman Seidel is pleased to announce the addition of two attorneys:

Bill Kabeiseman has been practicing Oregon land use and municipal law for more than 15 years. Mr. Kabeiseman serves as general and special counsel for cities and other governmental entities, collaborates with developers on projects running the gamut from residential subdivisions to performing arts venues and advises neighborhood groups seeking to make their input known on sensitive projects.

Carrie Richter represents business, community, and government entities in land use planning and municipal law. Ms. Richter has a special interest in historic preservation; she served for many years on the Portland Historic Landmarks Commission. In addition, she counsels special interest groups and neighborhoods to ensure compatible development and to protect farmland.



Chester Hill

Cosgrave Verger Kester LLP

Cosgrave Verger Kester LLP is pleased to announce that attorney **Chester Hill** has joined their business and commercial litigation practice group.

"His excellent work as a law clerk made it clear to us that he is an outstanding addition to the firm. We are very pleased to welcome Chester as an associate," says Managing Partner Andy Burns.



Evan "Kelly" Meltzer



Robert Doeckel



Gary Grenley

Garvey Schubert Barer

Garvey Schubert Barer is pleased to welcome **Evan "Kelly" Meltzer** as an owner in the firm's Portland office. He represents closely held companies and individuals in business and real estate transactions, including entity formations, mergers and acquisitions, joint ventures, real estate leases and purchase and sale transactions, financings, and other commercial matters. Kelly has particular experience representing automobile dealers.

Garvey Schubert Barer is pleased to welcome **Robert Doeckel** as a litigation associate in the firm's Portland office. He previously served as a clerk to the Honorable Marco A. Hernandez at the U.S. District Court for the District of Oregon, where he worked on a range of civil and criminal matters, including employment law, civil rights, environmental law, and intellectual property. He also worked for the Special Litigation Unit of the Oregon Department of Justice.

Garvey Schubert Barer owner **Gary Grenley** has been invited to join the Board of Directors of Edison High School, a private school in Portland dedicated to assisting students with learning challenges. Gary has been a trial lawyer for more than 40 years, concentrating in securities, real estate, corporate disputes, class actions, and other complex litigation in state and federal courts.



Jeff Lindberg



Justin Curtiss



Michael Simon

Landerholm, P.S.

Landerholm, P.S. welcomes **Jeff T. Lindberg**, formerly of the Law Offices of Shumsky and Backman, and **Justin J. Curtiss**, as associates. Jeff's practice focuses on real estate and litigation, and Justin's practice focuses on estate planning, and probate and trust administration.

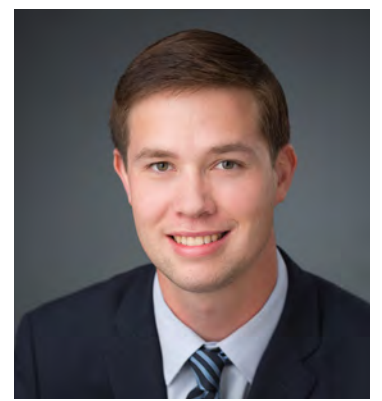
After 10 years with the firm, and more than 38 years in practice, real estate law attorney **Michael Simon** retired from the practice of law effective September 30. Michael plans to travel and spend more time with family and friends.

Portland Attorneys Admitted to American College of Trial Lawyers

Judy Snyder and **James Huegli** have become Fellows of the American College of Trial Lawyers. The induction ceremony took place on September 16, before an audience of 800 during the 2016 Annual Meeting of the College in Philadelphia, Pennsylvania. The College strongly supports the independence of the judiciary, trial by jury, respect for the rule of law, access to justice,



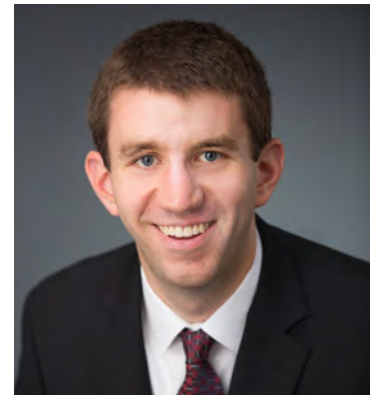
Judy Snyder



Will Gent



James Huegli



Samuel Fullhart

and fair and just representation of all parties to legal proceedings.

Snyder has been a trial attorney for 43 years and represents Oregonians in professional negligence, personal injury, wrongful death and general civil litigation. She is a graduate of the University of Notre Dame School of Law. **Snyder** is a Past President of the Oregon Trial Lawyers Association and President-elect of the Oregon Chapter of the American Board of Trial Attorneys. She is also a past President of the Multnomah Bar Association.

Huegli is the senior partner at Huegli Fraser P.C. and has been practicing in Portland for 44 years, specializing in medical malpractice and catastrophic personal injury. He is an alumnus of Oregon State University and Willamette University School of Law.

and as a law clerk with the U.S. Department of Justice, Environmental Enforcement Section, in Washington, D.C.

Gent graduated Order of the Coif from the University of Oregon School of Law in 2016, where he was Executive Editor of the Oregon Law Review. During law school, the Eugene native was a fellow in the Wayne Morse Center for Law & Politics and received the Governor Paul Patterson Memorial Fellowship for his commitment to civic involvement. **Gent** served as a judicial extern for the Hon. Michael J. McShane, U.S. District Judge for the District of Oregon, and also as a law clerk in the Civil Litigation Section of the Oregon Department of Justice's Trial Division.

Fullhart, who hails from Sisters, graduated cum laude from the University of Pennsylvania Law School in 2016, where he was an Associate Editor for the Journal of Law and Social Change and a student teacher for several middle schools in Philadelphia. During law school, **Fullhart** worked as a summer associate for Tonkon Torp, and as a summer intern for the Center for Ethics and the Rule of Law in Philadelphia. **Fullhart** also interned for U.S. House Representative Greg Walden.



Stephanie Grant

Tonkon Torp LLP

Tonkon Torp LLP has hired three new associates. **Stephanie Grant** and **Will Gent** have joined the Litigation Department, and **Samuel Fullhart** joins the Business Department.

Grant, who graduated first in her class from Lewis & Clark Law School in 2015, served as a judicial law clerk for the Honorable Mary Beck Briscoe, at the U.S. Court of Appeals for the Tenth Circuit for the past year. At Lewis & Clark Law School, she was an Associate Editor of Environmental Law and inducted into the Cornelius Honor Society. During law school, **Stephanie** worked as a summer associate at Tonkon Torp for two consecutive years,

Wyse Kadish LLP

Wyse Kadish LLP has moved offices as of November 1 to 900 SW Fifth Ave., Suite 2000, Portland OR 97204. All other contact information will remain the same. The firm will continue to serve their clients in matters of business and corporate transactions, real estate, family law, estate planning, employment law, intellectual property law, and civil litigation.

The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. The submission deadline is the 10th of the month preceding publication or the prior Friday if that date falls on a weekend. All submissions are edited to fit column format and the information is used on a space-available basis in the order in which it was received. Submissions may be emailed to mba@mbabar.org.



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Tips From the Bench

What Can Trial Lawyers Learn From Juries?

by Judge Marilyn Litzenberger
Multnomah County Circuit Court

Most Oregon lawyers are aware of the local court rules and ethical rules prohibiting lawyers from initiating contact with jurors after a verdict has been rendered and the jury has been discharged. OSB Formal Ethics Op. No. 2005-143; RPC 3.5(c) and (e); UTCR 3.120 and USDC LR 48-2. Notwithstanding these rules, some judges will sometimes permit lawyers to speak with jurors after a trial and more than “some” judges invite jurors to meet and speak with the judge after the jurors have been discharged from their official duties at the conclusion of a trial. Speaking with jurors after a trial provides jurors an opportunity to offer direct and immediate feedback regarding how the court system operates well and where it has room for improvement. When asked, some jurors will provide comments to the lawyers who played a role in the trial, or make comments for the judge to pass along to the lawyers, but most prefer to leave the courthouse and go on with their everyday lives. However, when jurors do choose to comment, their remarks tend to follow the same themes. The consistency of their comments is (or should be) instructive to trial lawyers.

“Why was the evidence so repetitious? Did the lawyers have to ask the same question of almost every witness? How many times did we really have to see the same emails?”

Tip: Today’s juror pool is more educated than most trial lawyers believe. When Oregon’s trial courts moved from the traditional two-weeks of jury service to one or two days (or for the duration of trial, if seated on a jury), the demographic of the jury venire also changed. Today, a majority of jurors have advanced education or training beyond high school. They “get it” the first time. Certainly there is a need for corroborative evidence in a trial, but having multiple witnesses describe the same event in a cumulative manner is not an efficient use of jurors’ time.

“The lawyer seemed disorganized and not very prepared.”

Tip: Many of today’s jurors are used to watching lawyers in the courtroom on TV or in movies. Rarely do screenwriters portray lawyers as unprepared or disorganized. Jurors hold trial lawyers to the high standard they are used to watching, and when a lawyer comes to court unprepared or unorganized, jurors notice.

“The witness seemed to be able to answer all of her lawyer’s questions, but he couldn’t



remember the same event when the other lawyer questioned him.”

Tip: Preparing your client witnesses for cross examination is essential. A witness loses credibility when he displays selective recollection depending on who is questioning him. Some witnesses appeared to have been coached to believe that answering any question yes or no on cross examination is dangerous so the witness “doesn’t remember” the same facts that he testified to when questioned by his own lawyer. Alternatively, the witness tries to preempt the cross examiner’s question by avoiding the yes or no answer. Jurors want a direct response. Moreover, an effective trial lawyer will demand a yes or no answer from the witness and will eventually get it. The unprepared witness who takes either of these approaches to cross examination will appear defensive and evasive to jurors. Jurors lose patience with non-responsive answers to simple and straightforward questions. When you prepare your witness for trial, assure them that you, as their lawyer, will have a second opportunity to ask them questions, and allow them to explain their prior “yes” or “no” answers elicited during cross examination. Assuring them you will not let their “yes” or “no” questions stand without clarification not only shortens the time your client will be subject to questioning by the other side, it gives jurors the impression that your client is honest with his answers regardless of which side is asking him questions.

“The expert was condescending. He was so boring he put us to sleep. I couldn’t understand a word he was saying. Who was he trying to impress?”

Tip: Regardless of the education level of a jury, they try hard and want to understand expert testimony. The best experts are those who have been teachers at some point in their career. Expert witnesses with the least confidence tend to hide behind the vocabulary of their profession, an approach that jurors at first are not sure how to process because they want to respect the qualifications of the witness. Ultimately, however, jurors are more likely to accept the opinion of the expert who can “teach” them why their conclusion is scientifically sound. If an expert witness is too difficult to understand, jurors simply stop listening and, no matter how qualified the witness is, his or her testimony will be ineffective.



News from the Courthouse

by Amity Girt
Court Liaison Committee

Presiding Judge’s Report and Courthouse Update

New Courthouse

On October 4, the groundbreaking ceremony occurred for the new courthouse, with a County legislative breakfast beforehand. Substantial efforts need to be made in seeking support for courthouse funding leading up to the next legislative session.

On November 30 the Court will hold its annual legislative breakfast, hosted by the MBA. Progress on the new courthouse will be highlighted including the improved seismic safety of the new building and improved response to the needs of all communities served by the courthouse. The courthouse project team and court have sought community input on the courthouse over the last six months. The space for CourtCare in the new courthouse will be tripled, transport of persons in custody both to the courthouse and in the courthouse will be safer and persons waiting to go through security will not have to wait outside with no protection from the elements. The court is investigating how to use technology to provide better information to the public and courthouse users. The new courthouse will include a more comfortable and functional jury room with features such as working desks and outlets for electronics. There will also be an overflow jury room which will

Tip: You can enhance the utility of your expert’s opinion by advising the expert regarding the educational and occupational backgrounds of the jurors who will be listening to his/her testimony and deciding the case. This allows the expert to tailor his or her teaching about the subject matter to the strengths and weaknesses of your specific jury. The same information is, of course, helpful to your own preparation and presentation of the key evidence needed to convince the jury of your position on the facts and ultimate outcome of the case.

“Can we recommend the lawyers take an anger management class?”

accommodate larger numbers of jurors and provide additional meeting space. The court has a plan on transforming the law library into a law library legal resource center with a goal of providing better service and tools for the increasing number of self-represented litigants. The plan envisions having electronic tutorials on different court processes and navigators who assist self-represented litigants in filling out forms and understanding the court process.

Community Listening Sessions

The court is planning its next community listening session for November 3 in east county. The purpose of the listening sessions is to provide community members an opportunity to share their experiences and perceptions of the justice system. The listening sessions are part of the court’s effort to implement the principles of procedural justice. The research on procedural justice indicates that when users of the justice system have been treated with respect, understand the proceedings and have an opportunity to participate, confidence in the justice system is improved. For more information about the first listening session, see Steve Powers’ article on page 11. The court is considering how to address the concerns raised at the first listening session, including administering a customer feedback survey in early 2017. A previous survey was successful in producing

Tip: Jurors expect lawyers to be professional. They do not want to watch lawyers arguing between themselves, or more likely to the court in front of the jury, about what the other lawyer has done or is attempting to do, and then pouting about it. When lawyers allow things that happen during trial to distract their focus from the case itself, they risk losing the case for the wrong reason. No matter how “wrong” things are going for your case during trial, it is never appropriate to blame your opponent or the court.

Along the same vein, jurors don’t like it when lawyers personalize their opponent’s position in the trial by saying things like, “Mr. Smith wants

useful feedback to the court on ways to improve customer service. The court is also considering participating in an implicit bias research project focused on small claims cases.

Trial Dockets

Trials continue to get out and in some cases the court is seeing more civil trials going out than criminal trials. General assignments, as opposed to individual assignments, are believed to be one reason for the ability to get out numerous trials. There was also discussion about the family law docket being less successful with meeting multiple trial needs due to there being individual assignments.

New Business

Judge Waller emphasized the significance of gathering support for the court budget in the upcoming legislative session, separate from the additional bond needed to *build* the new courthouse. The goal of the court is to be able to maintain good customer service and timely processing of all matters. The court has been looking at all of its business processes to make sure that it is taking advantage of all possible efficiencies while maintaining good customer service.

A recent virus issue with court email as well as past court closures has raised the issue of how to provide quick alerts to all users of the court system when there is an emergency. The MBA has offered to work with the court on improved and coordinated notification.

you to believe everything he says is true; it isn’t.” It is no more appropriate to call your opposing counsel a liar than it is to vouch for your client’s truthfulness or to say that the other side’s witnesses were lying. There are proper and improper ways to communicate this message. Jurors know the difference. “Disparaging comments [made by lawyers about lawyers] are not necessary, not effective and not appropriate.” Taking the high road, when your opponent is not, will buy you good will with the jury.

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Listening for Justice Court Invites Comments to Build Confidence in the Justice System

by Steven Powers
Court Liaison Committee



The stories of raw humanity laid bare in a packed auditorium culminated with one of the last speakers of the night saying: "You've been given a gift tonight; ... to not rest comfortably with what you heard tonight."

In a night filled with gripping stories, admonishments, frustrations, and calls for action, over 250 community members responded to the invitation from the judges of the Multnomah County Circuit Court to attend the first "Perceptions of Justice Listening Session," which was held on August 30 at Portland Community College's Cascade Campus. The Listening Session was designed for the community to share its experiences and concerns

with the court system. The court's invitation explained: "We believe it is important to explore perceptions of justice, and to acknowledge that communities of color are overrepresented at each stage of the criminal justice system."

Moderated by Judge Adrienne Nelson, 40 speakers were given three minutes each to address the 28 circuit court judges, two hearings referees, and countless court staff in attendance on any topic. Some of the court's community partners also were in attendance including District Attorney Rod Underhill and representatives from the Portland Police Bureau and the Multnomah County Department of Community Justice.

The speakers spoke directly to the judges expressing frustration about how they or a family member were treated or recounting gaps that they see in the system. "I don't want my daughter medicated; I want her helped." "Where is the support before kids get a number?" One speaker

explained that he lost five years to alcohol abuse and lamented that programs are not available unless there have been multiple arrests.

More than one speaker suggested that the system was broken. One speaker commented on the "dank" jury room and wondered if it was standard operating procedure to rush a jury verdict for a litigant who did not have a jury of his peers. Other speakers raised policy issues such as the lack of judicial discretion in sentencing due to Measure 11 and lack of awareness among youth of the serious consequences attributed to such sentences. "What is [my son] supposed to do with four Measure 11 sentences on his record?"

Multiple speakers expressed frustration about the lack of coordination between the court

Continued on page 13

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Judges Beth Allen, Karin Immergut, and Eric Dahlin attend the Listening Session. Photo courtesy of The Skanner

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Inquiries, nominations, and expressions of interest may be sent to Werner Boel and Suzanne Teer, the Witt/Kieffer consultants assisting the Law School with this search, at OregonLawDean@wittkiewer.com. Electronic submissions are strongly encouraged. A complete application will include a letter of interest, a curriculum vitae,

and contact information for five professional references. The anticipated starting date for the new dean is July 1, 2017. This position is open until filled.

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Jackson Lewis P.C. is a nationwide law firm dedicated to representing management exclusively in workplace law and related litigation. With 55 offices and over 800 attorneys, Jackson Lewis is seeking a Litigation Associate Attorney for the Portland, Oregon office.

Duties and Responsibilities:

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- Provide advice and counsel to employers on a wide range of employment laws and regulations
- Effectively and persuasively write briefs and motions for the benefit of our clients
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- Argue decisively at court hearings
- Conduct fact gathering and advantageous depositions
- Defend properly prepared client representatives at deposition

Skills and Educational Requirements:

- J.D. from an accredited law school
- 2-4 years of relevant experience, preferably in employment defense litigation
- Oregon Bar Admission with "active" status required
- Attention to detail and ability to multi-task in a fast-paced environment
- Strong organizational, time management, and project management skills
- Excellent written and oral communication skills
- Ability to work in a highly collaborative, team environment
- Outstanding academic credentials

This is a general description of the Duties, Responsibilities and Qualifications required for this position. Physical, mental, sensory or environmental

demands may be referenced in an attempt to communicate the manner in which this position traditionally is performed.

Whenever necessary to provide individuals with disabilities an equal employment opportunity, the Firm will consider reasonable accommodations that might involve varying job requirements and/or changing the way this job is performed, provided that such accommodations do not pose an undue hardship.

Jackson Lewis is an Equal Opportunity Employer encouraging diversity in the workplace. All qualified applicants will receive consideration for employment without regard to race, national origin, gender, age, religion, disability, sexual orientation, veteran status, marital status or any other characteristic protected by law.

Please submit a resume, cover letter and writing sample to Martha.tanner@jacksonlewis.com

Insurance Coverage Associate

The law firm of Bullivant Houser Bailey, PC is seeking an attorney with 2-4 years' experience practicing in the area of Insurance law to join our Portland, Oregon office. This is an exciting opportunity to become part of our nationally-recognized litigation and insurance coverage team. This position involves all phases of litigation, including case management, motion practice, discovery, arbitrations, appraisals, and trials. It also involves non-litigated insurance coverage work, including research, writing opinion letters, and advising insurers on their obligations with respect to claims and claim-handling.

The ideal candidate will have the following qualifications:

- Admitted to practice in Oregon.
- 2-4 years of experience practicing in the area of insurance law.
- Exceptional legal research and writing skills.
- Eager to assume responsibility.

Qualified applicants should submit a cover letter, resume, law school transcript and a writing

sample to Jill Valentine, Attorney Services Administrator at Jill.Valentine@Bullivant.com.

Space

Downtown Portland

American Bank Building overlooking Pioneer Square, established law firm has up to four offices available in beautiful suite with two conference rooms. Contact Elle for details at: 503.228.9115.

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Downtown Portland-1 Office-Class A Space-River View

Monthly-Market Rate/ Negotiable: Class A office space, 18th floor of Umpqua Bank Building, at One SW Columbia. One exterior office and secretarial space with panoramic view of mountains, riverfront and downtown. AV family law practice will share two conference rooms, receptionist services, and kitchen. Copier, fax, telephones and email provided at cost. Building amenities include conference rooms, private gym and bank in building. Approximate room size 10 x 15. Call Cecelia Connolly 503.224.7077.

Downtown Portland

Professional corner office space available in the historic Thomas Mann Building at 820 SW Second Avenue. Lease is available for one second floor office with either 175 square feet for \$1,200 per month or 182 square feet for \$1,400 per month. Both offices have impressive 12'5" ceilings with tall windows that open.

Continued on page 13

mba | EVENT

MBF Karaoke Fundraiser to Benefit the Civic Education Fund

Wednesday, November 2
Trio Club
909 E. Burnside, Portland
5:30-8 p.m.

Let your voice be heard this election season. Join us at Trio Club for a fun night of karaoke, food and drink. Sing your heart out or cheer your friends and colleagues, have a laugh and raise money for a good cause. Proceeds benefit the MBF Civic Education Fund.



Visit www.mbabar.org/foundation or call Amy Angel (503.276.2195) for sponsorship opportunities. Tickets are \$20 in advance and \$25 at the door. Tickets are limited, so please register early to secure your spot.

Register at mbabar.org or contact Pamela Hubbs (503.222.3275, pamela@mbabar.org).

MBA Mentor Program Frequently Asked Questions

Is the MBA Mentor Program compatible with the OSB New Lawyer Mentoring Program (NLMP)?

Yes, it is possible to participate in both programs either with the same mentor or a different mentor.

Who can participate as a mentee in the MBA Mentor Program?

Any MBA YLS member, whether or not he or she is signed up for the NLMP, may participate as a mentee.

Who can participate as a mentor in the MBA Mentor Program?

Oregon bar members in good standing, with reputations for competence and for conducting themselves ethically and professionally, and with at least seven years of practice, may participate as mentors.

Is there a fee to participate?

The MBA Mentor Program is free for all participants.

If I am participating in the NLMP, will I be assigned the same mentor for the MBA Mentor Programs?

That's up to you. Let us know your wishes on the MBA sign-up form and we'll match you appropriately.

If I am participating in the NLMP why would I also sign up for the MBA Mentor Program?

The MBA program offers additional opportunities for mentoring outside the OSB structure, including networking, and obtaining free CLE credit available exclusively to people participating in the MBA program.

How are mentors and mentees matched?

Mentors are matched with mentees by MBA Professionalism Committee members based on the responses given on the sign-up form. Let us know if you would like the same mentor you have in the NLMP. If you're not signed up for the NLMP, let us know what's important to you in a mentor - practice area, firm size, gender, etc. We'll do our best to match you appropriately.

How do I sign up?

Complete and return the sign-up form available at mbabar.org/Resources/News/122/Details/. Forms are due to the MBA by December 2.

Learn more about the OSB NLMP at www.osbar.org/nlmp.

If you have questions about the MBA Mentor Program, please contact Kathy Modie at the MBA at 503.222.3275.

Listening for Justice

Continued from page 11

and the public safety and social service systems. Although many of the speakers addressed issues beyond the court's control, the court committed to sharing the comments with its public safety partners.

Judge Nelson suggested the listening session after participating on a different panel and hearing from a number of people about their frustration and disappointment with the court system. "There was not

interest from that panel but the idea stayed with me and I was committed to having a community listening session." Feeling extremely satisfied with the full auditorium and grateful for the community's courage, trust, and honesty in the process, Judge Nelson said that the community response to the Listening Session has been overwhelmingly positive.

The next Listening Session is scheduled for November 3 at Portland Community College's Southeast Campus. Look for details at www.mbabar.org.

Classifieds

Continued from page 12

Lease includes:

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- Located on the Yamhill Station MAX line

Contact Diane Fulton
503.228.5222.

Lloyd Center Area

Furnished office (10 x 15) in fully equipped suite. Share with three attorneys in a collegial setting. Small business referral work available. Conference room, kitchen, copier, fax, DSL, postage meter, phone system & reception services. Parking \$75/mo. Free client parking. Walking distance to MAX. \$450/mo., first month free with one year lease. Email godwinlaw@earthlink.net or call 503.224.0019.

Oregon City Office

John Henry Hingson III has an office available in his building at 409 Center St., Oregon City. Close to elevator; off-street parking; law library; conference room; share copier, fax, etc. with three other lawyers, 503.656.0355.

The Corner Office PROFESSIONALISM

The MBA Commitment to Professionalism begins with the following preamble: "We are committed to professionalism; we believe that lawyers should solve problems, not create them." Among the principles listed in the Commitment is "We will act in a timely fashion." Certainly a lawyer's failure to act in a timely fashion will create obvious problems for both the lawyer and the client. While some untimely behavior can be corrected with a simple motion or explanatory email, other untimely behavior, like failing to file a claim within the statute of limitations, cannot be cured and may expose the lawyer to a claim for legal malpractice. But timeliness is more than just a professionalism standard to aspire to or a legal malpractice risk to avoid. We are in fact obligated by the Oregon Rules of Professional Responsibility to act in a timely fashion.

The term itself comes up explicitly in several of the RPCs. RPC 1.11, RPC 1.12 and RPC 1.18 each provide that in circumstances in which a lawyer must be screened from a matter, the screen must be "timely." After all, what good is the screen if it is not put in place promptly? The term also comes up in RPC 3.8, which provides for special responsibilities for prosecutors. The rule requires prosecutors to make "timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense" RPC 3.8(b). What good is the disclosure of mitigating evidence if received on the eve of

trial, or worse, after disposition of the matter? That is the extent of RPCs that use the term "timely" and confer an affirmative obligation or duty on the lawyers to which they apply. With a list that short, one might think that lawyers have only a limited ethical duty to act in a timely manner. But of course, that conclusion would overlook RPC 1.3.

RPC 1.3 provides in pertinent part, "A lawyer shall not neglect a legal matter entrusted to the lawyer." Neglect is not defined in the RPCs, but it doesn't take a statutory interpretation genius to surmise that the rule requires lawyers to act in a timely fashion, consistent with the MBA Commitment to Professionalism. One need look no further than the corresponding ABA Model Rule 1.3, which requires a lawyer to "act with reasonable diligence and promptness in representing a client." Interestingly, the comments to the model rule tie it directly back to the concept of professionalism: "Perhaps no professional shortcoming is more widely resented than procrastination." Comment [3] to Model Rule 1.3. Although our professional and ethical obligations are often parallel, few rules overtly reference that parallel.

Perhaps commentators felt compelled to highlight the issue of procrastination because it so often leads to bar prosecutions. According to the OSB Client Assistance Office 2015 Annual Report, issues of "competence and diligence" were the most common subject of complaints received by that office. One

need look no further than the Oregon Disciplinary Board Reporter (<https://www.osbar.org/publications/dbreporter/dbreport.html>), to confirm that issues of timeliness lead not only to complaints, but to discipline as well.

So take your professional and ethical obligations to act in a timely manner seriously. Procrastination can afflict newer and seasoned lawyers alike. Fortunately, the Professional Liability Fund offers free and confidential assistance with a host of practice management issues, including time management and setting up docketing systems (<https://www.osbplf.org/services/time-management.htm>). Whether you've recently had a close call or you've never missed a deadline, there's always time to reflect on the effectiveness of your time management skills. It will keep your clients happy and your bar record clean.

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

Pro Bono Volunteers

Thanks to the following lawyers and law students who donated their pro bono services recently via the Volunteer Lawyers Project, the Senior Law Project, law firm clinics, the Oregon Law Center, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark's Small Business Legal Clinic, Children's Representation Project, and Changing Lives Forever Project. 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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mba | Young Lawyers Section

What is the YLS?

An inclusive section of the bar, which includes any MBA member in practice less than six years or under the age of 36. The YLS provides leadership, networking, professional development and service opportunities. And we have fun!

Ask the Expert

Dear Expert:
As a newer lawyer, how can I gain courtroom experience?

Dear Counsel:
One of the most common critiques of law school is that it does not prepare you to practice law. The problem is compounded when the practice of law involves such complex tasks as public speaking while trying to remember the rules of evidence and other brainy details.

It's no wonder that we are encouraged to get into the courtroom early and often, and for us litigators, to try cases. But with the increasing costs of litigation and other factors, it is distressingly tough to gain even a basic comfort with stepping into the courtroom.

But do not fret. There are ways to pick up these skills other than watching *The Rainmaker* or *My Cousin Vinny* (which you absolutely should, by the way). The easiest way is by osmosis - watching trials. Ask your firm, colleagues or favorite listserv who has trials coming up. Go, watch and learn. It's a

poor substitute for engaging in actual practice, but it helps, and it's stress-free fun.

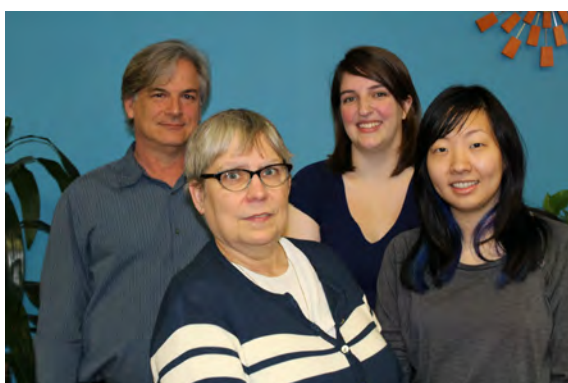
It doesn't even need to be a trial. If you are a newer lawyer, you may not know how even the most basic motion practice works. Try going to ex parte and watching how your seasoned colleagues present motions and argue them. For more sophisticated arguments, ask around about upcoming battles before a motions judge.

But by far the best way to gain experience short of trying your own cases is to volunteer for one of Multnomah County's excellent pro bono programs. Specifically, the most efficient way to get hands on courtroom experience is to represent victims of domestic violence seeking restraining orders. You will be provided most everything you need to know about presenting your case, and you can spend most of your time learning and practicing the rules of evidence and courtroom tactics. It's rewarding, it's educational, it's career advancing, and it's fun.

Richmond Clinic Medical-Legal Partnership Pro Bono Spotlight

by Jeffery (Jay) Johnston
YLS Pro Bono Committee

Our newest pro bono opportunity is the area's most exciting legal endeavor in a long time. The Richmond Clinic Medical-Legal Partnership is Oregon's first such organization.



From left to right: Mike Cagle, Theresa L (Terry) Wright, Elli Reuland, and Cera Oh

Medical-Legal Partnerships (MLPs) are a response to the reality that medical troubles and legal woes compound each other. These organizations integrate healthcare with legal advocacy to seek solutions, rather than treat symptoms.

What's it all about?

The MLP is located at OHSU's Richmond Clinic at 3930 SE Division Street in Portland. Richmond is a Community Health Center operated by OHSU's Department of Family Medicine.

Most patients are low-income residents of the tri-county area. The MLP's clients are Richmond patients referred by clinic physicians and staff when they recognize that a legal matter is complicating the patient's health.

The Richmond MLP began operating this fall as a pilot program. Health Share of Oregon, the state's largest coordinated care organization, is co-funding the program with the Richmond Clinic. Laura Russell, JD, at Health Share is the

Andrea Meyer YLS Member Spotlight

by Holly Hayman
Treasurer, YLS Board of Directors

It's that time of year - many new lawyers are joining the OSB, and many new admittees may be considering how involved to get with the YLS. Participating in the YLS, whether by attending events or serving on a committee, may seem daunting in the midst of the demands new lawyers face, but as Andrea Meyer can attest, the rewards are well worth the effort.

Andrea Meyer is a member of the YLS Membership Committee, and has been involved with the YLS for the last two years. Andrea admits she was pleasantly surprised to realize many of the benefits that resulted from her involvement with the YLS. She struggled with professional networking as a new admittee because of its awkward nature. However, after a couple of years with the YLS, Andrea has developed a strong network and her networking skills have greatly improved. Furthermore, she has recognized the many ways that her growing network has benefited her practice.

During one of her first years with the YLS, Andrea and a group of other new women lawyers involved in the YLS connected at Absolutely Social (an annual MBA event) and created their own informal networking group, "Lady Lawyers Who Happy Hour." Andrea and the Lady Lawyers

meet about once a month to share their experiences and concerns as new lawyers. Andrea quickly recognized that her involvement with the Lady Lawyers provided opportunities to pursue professional development and improve her practice.

"Professional networking is difficult, and it was something I had never really done before," Andrea stated, a sentiment shared by many lawyers. Together, Andrea and the Lady Lawyers practiced their networking skills, and soon Andrea was more comfortable attending YLS networking events. "Once you get more familiar with networking events, networking itself becomes much easier."

Andrea now serves on the YLS Membership Committee, planning events and bringing new lawyers together, but she also participates in other ways. Since increasing her involvement with the YLS, she has become interested in participating in some of the pro bono and other YLS volunteer activities that benefit the greater community.

She is also keenly aware of how her involvement with the YLS has benefited her practice. Andrea feels comfortable calling other new lawyers she has met through networking, including others that participate in Lady



Andrea Meyer

Lawyers, to ask questions about unfamiliar legal issues. She knows that an efficient way to resolve a challenging legal issue is to contact a new lawyer in her network with experience in that area. "My network has improved my practice, and it has saved my clients money."

A Portland native, Andrea is an associate at Chenoweth Law Group PC and her practice focuses on civil litigation. You are likely to find her at the next YLS event with a welcoming smile. Andrea's story is one example of how new lawyers can benefit, in more ways than one, from involvement with the legal community and the YLS. Each story is different, but most conclude with a new lawyer whose network, and networking skills, have expanded for the better as a result their involvement. Andrea, and everyone with the YLS, invites all new OSB admittees to participate, at any level, in the YLS and discover the benefits of involvement.

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MLP Coordinator. Russell also co-founded the Medical-Legal Partnership of Oregon. MLPO is not an MLP itself but is rather an alliance of professionals that aims to provide administrative support and coordination to community-based MLPs.

Theresa L. (Terry) Wright is the MLP's supervising attorney. Wright was a clinical professor at the Lewis & Clark Legal Clinic for 24 years. After the clinic's closure in 2014, she returned to her alma mater Willamette University College of Law where she now directs their externship program.

Currently volunteering at the MLP are recent Lewis & Clark Law School graduates Cera Oh and Elli Reuland. Mike Cagle, a 3L at Lewis & Clark, is externing at the MLP this semester.

Continued on page 15

YLS Community Service Day Recap

by Kevin Stokes
YLS Service to the Public Committee

On October 1, YLS and other MBA volunteers again joined the Forest Park Conservancy, this time for its Fall Day of Stewardship, to help the conservancy preserve Portland's iconic urban forest. YLS and MBA members, along with over 80 other volunteers, helped to build 40 feet of rock retaining

walls, remove 3,200 square feet of English ivy and 3 cubic yards of Herb Robert, and repair one mile of trail. The event was a great opportunity for MBA members to get outside, experience Portland's natural beauty, and make a positive impact in our community and environment.



This group includes (from left to right) MBA members Michael Romano, Kevin Stokes, Lawrence Pittman, Jeremy Bordelon, Matt Goldman, and Grant Engrav.

MBA YLS, FPA and OSCPA Joint Social

by Andrea Meyer
YLS Membership Committee

In September, the MBA Young Lawyers Section teamed up with Oregon Society of CPAs and the Financial Planning Association to host a wine and cheese networking event at Blackbird Wineshop. The event gave attorneys the opportunity to mingle with CPAs and financial planners around Portland while tasting a variety of wines and cheeses.

The evening kicked off with a presentation by Andy Diaz, the owner of Blackbird Wineshop,

who introduced the group to a variety of wines. This annual event is held at the wine shop and cheese bar in Northeast Portland. Mr. Diaz's food and drink selections, along with his entertaining use of a bugle, did not disappoint.

YLS events such as this are an excellent occasion for young attorneys to develop new friendships and become acquainted with professional resources in the community.



Richmond Clinic

Continued from page 14

What kind of work is done at the MLP?

A significant portion of the MLP's work is in housing, public benefits, and family law. Issues in employment, education, expungement, bankruptcy, and disability law are also very common. The MLP does not handle criminal cases, and refers out personal injury, medical malpractice, and HIPAA matters. "Much of what we do is issue-spotting and triage," said Wright. Frequently a client's issues are less defined than a legal aid case: rather than facing an eviction, an

MLP client might be unable to secure housing. The MLP attorney then gets to peel back the surface problem to identify and address the fundamental issue.


The MLP's clients are as diverse as their legal issues. Reuland gets to make use of her proficiency in Spanish, and the clinic's interpreters are frequently employed. In addition to the more common languages, interpretations of American Sign Language and Bosnian have also been provided.

How can I get involved?


Volunteering can take various forms. You may perform intake interviews at the Richmond Clinic. Alternatively, you may work on a case remotely through email and

Dropbox. "We will find a spot for you," assured Wright. A network of attorneys also volunteers to be available for emailed queries when their particular practice area is prompted by an MLP client matter.

The cornucopia of legal issues confronting MLP clients makes this an incredible pro bono opportunity for lawyers in a variety of practice areas. To volunteer, join the network of attorneys available for emailed queries, or add yourself to the referral list, contact MLP Coordinator Laura Russell at 971.208.5532 or laura@healthshareoregon.org. The MLP has no website at this time, but to learn more about MLP activity in Oregon please visit MLPOregon.org.



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Bill Gary is listed in the 2017 *Best Lawyers in America*® for Appellate Practice, Administrative/Regulatory Law, and Commercial Litigation and in the 2016 *Oregon Super Lawyers*® for Appellate Practice.

Aaron Landau has been selected to the 2016 *Oregon Super Lawyers Rising Stars* list for Appellate Practice.

Susan Marmaduke is listed in the 2017 *Best Lawyers in America* for Appellate Practice and Commercial Litigation and in the 2016 *Oregon Super Lawyers* for Appellate Practice; she has also been selected to the 2016 *Oregon Super Lawyers Top 50* list.

Jim Mountain is listed in the 2017 *Best Lawyers in America* for Appellate Practice and in the 2016 *Oregon Super Lawyers* for Appellate Practice; he is also recognized by *Best Lawyers* as the 2017 Administrative/Regulatory "Lawyer of the Year" in Portland.

Sharon Rudnick is listed in the 2017 *Best Lawyers in America* for Appellate Practice, Employment Law-Management, Labor Law-Management, and Mass Tort Litigation/Class Action-Defendants and in the 2016 *Oregon Super Lawyers* for Appellate Practice.

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Saturday Academy Motivating Kids Through Hands-on Learning

by Dana Scheele, MBF Vice President, and
Tim Resch, Chair, MBF Development Committee

The Multnomah Bar Foundation (MBF) awarded Saturday Academy a grant in 2016 for its Kid Lawyer Camp held on the campus of Reed College the week of July 11 which we visited as the designated liaisons to this grantee. The Board of the MBF plays a dual role in awarding grants to local nonprofits: (1) the Board decides which of the nonprofit applicants to award grants to and the size of the grants to award and (2) each Board member is assigned to shadow one or two grant recipients to observe how they use the grant. After observing



A lawyer questions his witness

Saturday Academy's Kid Lawyer Camp, we can enthusiastically report that the grant money awarded exemplified Saturday Academy's mission of hands-on learning and furthered the MBF's goal of civic engagement.

Saturday Academy was founded in 1983 with the mission of engaging all motivated young people, including those from under-represented communities, in hands-on, in-depth learning by connecting them to community experts as educators and mentors. Since 1983, Saturday Academy has provided instruction to over 170,000 young people in Oregon and SW Washington. Saturday Academy recruits community experts as instructors, focusing on those who have a background in science, technology, engineering or math ("STEM") to teach classes during the school year and camps in the summer. The classes are hands-on and project oriented. Through its use of both volunteer and paid instructors, Saturday Academy is able to offer high quality classes for less money. Saturday Academy also awards over \$100,000 in scholarships to low-income attendees each year. Through the grant awarded by the MBF, Saturday Academy expanded its camp offerings beyond STEM in holding a Kid Lawyer Camp the week of July 11. The camp was geared towards kids in fifth to eighth grade.



**Multnomah Bar
Foundation**

We had the opportunity to observe a session early in the week (Dana) and then the culmination of camp, a mock trial (Tim). Early in the week, the campers split into small groups of 10-12 kids and participated in a number of sessions centering



Experts testifying about the knife found on the defendant

around a mock trial theme. The forensic session taught the kids about DNA and forensic analysis of blood samples; the journalism session focused on writing and storytelling, and the advocacy session split the kids up into prosecutors and defense attorneys and taught different aspects of trial practice. The kids were motivated and engaged in the topics presented. In accordance with Saturday Academy's focus on hands-on learning, the kids conducted their own DNA analysis using test kits and wrote poetry and short stories as a way of learning about storytelling. The instructors, both volunteer and paid were patient and engaging.

The end of the camp was a two-hour mock trial, which took place in a large auditorium on the Reed College campus. The fact pattern involved a school police officer who observed a student with what he thought was a knife; and a resulting injury to the police officer after a scuffle with the student. The campers played the roles of witnesses and attorneys, and the teacher (a practicing lawyer) handled the role of the judge. The audience (mostly parents and family members of the campers) served as the jury. The trial included all of the normal elements you would expect (openings, direct and cross-examination, objections, tenders of evidence, and closing arguments). In the middle of the trial, there was a brief recess, and some of the campers - serving as reporters - provided a "breaking news" style report from outside the courtroom. After closing arguments and jury instructions from the judge, a ballot was passed around the courtroom to the jurors in the audience - and



Forensic analysis of fingerprints being presented

the defendant was found not guilty on both counts.

The enthusiasm and efforts that the campers put into their performances was impressive. They spent time learning about rules of evidence and trial procedures. And while they didn't always observe the "one lawyer objecting at a time" practice, there were many dramatic objections made with firm conviction. The campers embraced their roles - whether it be witness or advocate - and put on a good trial for kids of this age. Many of these campers will surely go on to participate in the state high school mock trial competition in future years. It was truly rewarding to watch these campers - kids - taking a serious interest in our criminal justice system.



Celebrating the 'not guilty' decision from the jury (the audience)

Saturday Academy is always looking for interested instructors to participate in their programs. Visit www.saturdayacademy.org for more information. To learn more about the MBF, visit www.mbabar.org/foundation or call Pamela Hubbs at 503.222.3275.



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