



# MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

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

January 2008 Volume 54, Number 1



## Pro Bono (and a Well-Deserved Recognition)

By Thom Brown, MBA President.

As the title of this month's column reflects, my focus is on pro bono (you'll have to read to the end for the recognition mentioned in the title). While pro bono can encompass many things, I'm using the term to mean providing legal services free of charge to those who cannot afford to pay for the

services. And I want to approach that issue in two ways – funding and providing pro bono services.

As to funding, this year's Lawyer's Campaign for Equal Justice (CEJ) effort is in full swing. For those who don't know, according to its Web site, CEJ was established in 1991 and works to support 91 legal aid attorneys in 16 communities throughout Oregon. Its mission is to champion access to justice for low-income Oregonians through education and by working to increase funding for legal aid. CEJ educates the community on the work being done by Oregon's legal services programs, and also on the great need for increased services. And, because only 20% of the legal needs of low-income Oregonians can be met with current resources, CEJ works to increase funding through grants, foundation support, state and federal funding, and direct fundraising from private attorneys. To date, CEJ has raised more than \$13.7 million, over the last 16 years.

While Oregon lawyers, including MBA members, have been extremely generous to date in supporting CEJ, that generosity must continue. Again, according to CEJ's Web site, Oregon's legal aid programs provide free assistance statewide to thousands of low-income Oregonians. Last year alone, legal services programs directly served over 20,000 low-income clients. Thousands more were helped through legal aid pro se materials, self-help programs and pro bono projects.

Legal aid representation focuses on high-priority needs: food, shelter, medical care, income maintenance and physical safety. About 40% of the cases are family law cases, usually helping the victims of domestic violence. And two thirds of legal aid clients are women, most of them mothers.

The MBA is committed to CEJ. It gives directly. And, of course, it encourages each of you to give generously. The unmet need is so great. We, as MBA members, must do all we can to try and raise money to meet that great need.

As many of you may know, most of the legal services provided to the poor are being provided by or through organizations like the Oregon Law Center (OLC), Legal Aid Services of Oregon (LASO), and the St. Andrew Legal Clinic (SALC). The dedicated lawyers working for those organizations (most often for salaries far less than many of us enjoy) provide a great service for the most needy people with legal problems.

Of course, organizations like OLC, LASO and SALC cannot do all they do without volunteers providing pro bono services. SALC, for example, has a weekly "night clinic." There, clients meet with volunteer attorneys under the supervision of a clinic staff attorney for a 30-minute consultation. The volunteer interviews the individual, and with the assistance of the staff attorney, advises him/her of rights, procedures, court costs and the cost of retaining the clinic. And LASO has volunteer-staffed bankruptcy and senior law clinics.

As I've written about before, the MBA is very committed to helping meet the great pro bono need, most recently with our "pro bono pledge" project, which seeks to dramatically increase access to justice by asking attorneys to commit to taking at least one pro bono matter in 2008. In addition, law firms are asked to adopt a written pro bono policy and to encourage participation in the individual pledge. And, to aid in the "pro bono pledge" effort, the MBA provides various resources, including a handbook listing various pro bono opportunities available in Oregon, an online resource to help your firm create a written pro bono policy, and access to a listserv that allows attorneys to select pro bono cases online from a list emailed weekly.

I encourage each of you to find time to volunteer at LASO, SALC, OLC and other places seeking volunteer lawyers. Even just 2-5 hours can make a huge difference in people's lives if those efforts help keep them in their own homes, get them social security disability or unemployment benefits, help a foster child with medical issues, or help a physically or emotionally abused spouse.

While there is so much more I can say about pro bono, I've got to get back to my job – managing a law firm and practicing law. In fact, I'm about to head out for one of my rare trial court appearances. And that leads me to the recognition mentioned in the title of this column.

By the time you read this, **Judge Dale Koch** will have stepped down as presiding judge in Multnomah County. The MBA is very excited to welcome **Judge Jean Maurer** as presiding judge and we are also happy to see Judge Koch return to the active trial bench. Judge Koch has been an invaluable member of the MBA's Court Liaison Committee during his tenure as presiding judge and has been a great supporter of the MBA generally, and of its court and courthouse-related programs, specifically. He has also done an excellent job running the state's busiest circuit court. Thank you, Judge Koch, for all you have done for the MBA and our local legal community.

## MBA CLE

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

### January

**Thursday, January 24**  
**Immigration: How Your Clients' Status Can Affect Their Case**  
Bear Wilner-Nugent  
Sherilyn Holcombe Waxler

**Thursday, January 31**  
**Damage Claims in Employment and Personal Injury Cases**  
Paul Buchanan  
Dana Sullivan  
Richard Vangelisti

### February

**Wednesday, February 6**  
**Washington/Clackamas/Clark Counties Presiding Courts Update**  
Judge John Nichols  
Judge Thomas Kohl  
Judge Steven Maurer  
Leslie Johnson

**Thursday, February 28**  
**Recognizing and Finding Relief from Predatory Lending**  
Hope Del Carlo  
David Tatman

### March

**Tuesday, March 11**  
**Annual Family Law Update**  
Judge Nan Waller  
Thomas Bittner  
Gary Zimmer

**Tuesday, March 18**  
**2008 Estate Planning Update**  
Christopher P. Cline  
Scott Howard

**Wednesday, March 19**  
**Multnomah County Presiding Court Update**  
Judge Jean Maurer

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**MBA open house - mark your calendars**  
**February 13**

Please join us for the Annual MBA Open House on Wednesday, February 13 from 4-6 p.m. Stop by and catch up with friends and colleagues.

Select wines and hors d'oeuvres will be served.

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DEADLINE for copy: The 10th of the month\*  
DEADLINE for ads: The 12th of the month\*  
\*or the preceding Friday, if on a weekend.

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# NEW ON THE SHELF

By Jacque Jurkins, Multnomah Law Librarian.

**LAW MAKERS, LAW BREAKERS AND UNCOMMON TRIALS**, by Robert Aitken and Marilyn Aitken. Published by the ABA Section of Litigation, 2007. (KF 220 A57)

**THE CREATIVE LAWYER:** A practical guide to authentic professional satisfaction, by Michael F. Melcher. Published by the ABA, 2007. (KF 300 M45)

**RAISE THE BAR:** Real world solution for a troubled profession, edited by J. Fox. Published by the ABA, 2007. (KF 297 R35)

**ANNOTATED MODEL RULES OF PROFESSIONAL CONDUCT**, 6th ed. Published by the ABA Center for Professional Responsibility, 2007. (KF 306 A74a 2007)

**THE LAW FIRM ASSOCIATE'S GUIDE TO PERSONAL MARKETING AND SELLING SKILLS**, by Catherine Alman MacDonagh and Beth Marie Cuzzone. Published by the ABA Practice Management Section, 2007. (KF 319.5 A95)

**THE IN-HOUSE COUNSEL'S ESSENTIAL TOOLKIT.** Published by the ABA Section of Business Law Committee on Corporate Counsel, 2007. (KF 1425 I64)

**CHARITABLE GIFT PLANNING:** A practical guide for the estate planner, 2d ed., with CD, by Thomas J. Ray. Published by the ABA Section of Real Property, Probate and Trust Law, 2007. (Tax KF 6388 R39 2007)

**ACCESS TO GOVERNMENT IN THE COMPUTER AGE:** An examination of state public records laws, with CD, edited by Martha Harrell Chumbler. Published by the ABA Section of State & Local Government Law, 2007. (KF 5753 A93)

**TITLE INSURANCE:** A comprehensive overview, 3d ed., with CD, by James L. Gosdin. Published by the ABA Section of Real Property, Probate and Trust Law, 2007. (KF 1234 G67 2007)

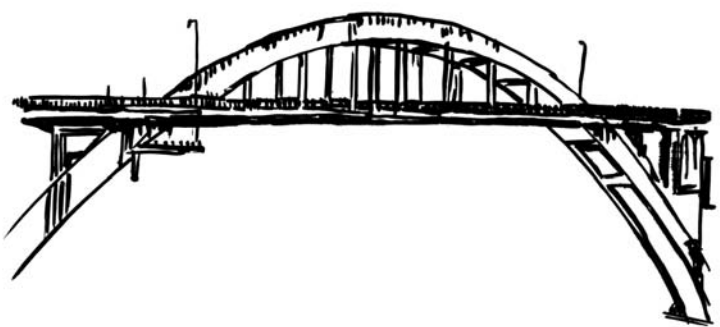
**INTERNATIONAL MERGERS AND ACQUISITIONS DUE DILIGENCE.** The International M & A Subcommittee of the Committee on Negotiated Acquisitions of the Business Law Section. Published by the ABA Section of Business Law, 2007. (KF 1477 I55)

**CORPORATE DIRECTOR'S GUIDEBOOK.** Committee on Corporate Laws. Published by the ABA Section of Business of Law, 2007. (KF 1423 C67 2007)

**THE SECURITIES ENFORCEMENT MANUAL:** Tactics and strategies, 2d ed. edited by Michael J. Missal and Richard M. Phillips. Published by the ABA Section of Business Law, 2007. (KF 1439 S42 2007)

**STATUTES AND STATUTORY CONSTRUCTION**, 7th ed. by Norman J. Singer and J. D. Shambie Singer. Published by Thomas/West, 1997. (KF 424 S88 2007- )

**PRINCIPLES OF ALTERNATIVE DISPUTE RESOLUTION**, 2d ed. by Stephen J. Ware. Published by Thomson/West, 2007. (KF 9084 W37 2007)



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# CALENDAR

For a complete MBA calendar, please visit [www.mbabar.org](http://www.mbabar.org).

## January 2008

- 1** Tuesday, New Year's Holiday  
MBA closed
- 2** Wednesday, MBA Board meeting
- 9** Wednesday, YLS Board meeting
- 10** Thursday, February *Multnomah Lawyer* deadline
- 17** YLS Pro Bono Fundraiser at Square Deal Wine Company  
See p. 11 for details.
- 21** Monday, Martin Luther King Jr. Holiday - MBA closed
- 22** Tuesday, YLS Young Litigator's Forum CLE series begins  
See insert to register.
- 23** Wednesday, YLS Drop-in Social featuring Judge Maurer at Aura  
See p. 10 for details.

- 24** Thursday, MBA CLE Immigration Law  
See insert or register at [www.mbabar.org](http://www.mbabar.org).
- 26** Saturday, BOWLIO at Valley Lanes  
Visit [www.osbar.org/aap](http://www.osbar.org/aap) for details.

- 31** Thursday, MBA CLE Employment and Personal Injury Damage Claims  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

## February

- 5** Tuesday, MBA Board meeting
- 6** Wednesday, MBA CLE Washington, Clackamas, Clark Counties Update  
See insert or register at [www.mbabar.org](http://www.mbabar.org).
- 8** Friday, March *Multnomah Lawyer* deadline
- 12** Tuesday, YLS Board meeting
- 13** Wednesday, MBA Open House  
See front page of this newsletter for details.

- 18** Monday, Presidents' Day  
MBA closed
- 21** Thursday, YLS PDE Seminar You Be the Judge
- 23** Saturday, WinterSmash at 20<sup>th</sup> Century Lanes  
See p. 6 for details.
- 27** Wednesday, Multnomah Bar Foundation Board meeting
- 28** Thursday, MBA CLE Predatory Lending  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

## March

- 4** Tuesday, MBA Board meeting  
  
Tuesday, CEJ Annual Luncheon at The Governor  
Visit [www.cej-oregon.org](http://www.cej-oregon.org) for details.
- 10** Monday, April *Multnomah Lawyer* deadline
- 11** Tuesday, YLS Board meeting
- Tuesday, MBA CLE Annual Family Law Update**  
See insert or register at [www.mbabar.org](http://www.mbabar.org).
- 14** OWLS Awards Dinner at The Governor  
Visit [www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org) for details.
- 18** Tuesday, MBA CLE Estate Planning  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

- 19** Wednesday, MBA CLE Multnomah County Presiding Court Update  
See insert or register at [www.mbabar.org](http://www.mbabar.org).
- 20** Thursday, MBA CLE – Enforcing Family Law Judgments  
See insert or register at [www.mbabar.org](http://www.mbabar.org).

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# Ethics Focus

By Mark J. Fucile, Fucile & Reising.

## We the People: Representing Government



At various points in my career, I've been both a prosecutor and represented government agencies as outside counsel. From the perspective of the Rules of Professional Conduct (RPCs), government counsel (whether internal or outside) are subject to both some unique rules and those of general application to all lawyers. In this column, we'll look at both. First, we'll focus on RPC 3.8, which applies to prosecutors, and RPC 1.11, which involves lateral-hire screening from governmental positions. Then, we'll focus on conflicts and the "no contact" rule.

### Specific Rules

It is important to stress at the outset that although RPC 3.8 applies specifically to prosecutors and RPC 1.11 applies specifically to government lawyers, government lawyers are not held to a different standard under the RPCs than lawyers in private practice. The Supreme Court put it this way in *In re Gustafson*, 333 Or 468, 488 n.10, 41 P3d 1063 (2002): "[W]e decline to hold the accused (a prosecutor) in this matter to a standard different from that which we apply to other lawyers." This becomes especially important when analyzing both these government-specific rules and general rules such as the so-called "Gatti Rule," now found at RPC 8.4(b), which have particular application to government practice.

**Prosecutors.** RPC 3.8 focuses on two areas. RPC 3.8(a) prohibits a prosecutor from pursuing "a charge that the prosecutor knows is not supported by probable cause[.]" RPC 3.8(b) requires a prosecutor to make timely disclosure of discovery materials during both the liability and sentencing phases of cases. Both provisions are very similar to their counterparts under former DR 7-103 (see, e.g., *In re Leonhardt*, 324 Or 498, 930 P2d 844 (1997) (applying the former rule)).

**Screening.** RPC 1.11 essentially extends the lateral-hire screening rule found in RPC 1.10 to government attorneys. Like its private practice counterpart, RPC 1.11(a) generally prohibits a former government lawyer from "switching sides" in the same matter if the lawyer moves from the government to a firm

representing the opposing party (absent waivers). Again, like its private-practice counterpart, RPC 1.11(b) also allows a firm to avoid disqualification if it timely screens the lawyer who is joining it from the government.

### General Rules

**Conflicts.** A cornerstone of all conflict analysis is first to define who your client is, because without multiple adverse clients a lawyer or law firm cannot, by definition, have a multiple client conflict. The change from the Disciplinary Rules of the former Code of Professional Responsibility to the Rules of Professional Conduct in 2005 brought with it a new rule - RPC 1.13 - that focuses on entity representation. It applies to entity representation generally and includes within that general scope entities that are governmental units and agencies. RPC 1.13(a) adopts the "entity approach" to representing organizations. Under that approach, the "client" is the governmental entity and not its constituent members such as agency administrators as individuals (although the agency acts through them).

The often more difficult question in the governmental context is which agency or level of government a lawyer will be deemed to represent. OSB Formal Ethics Opinion 2005-122 frames both the clear issue and the imperfect answer:

"Within the context of the governmental entity, the client will sometimes be a specific agency, will sometimes be a branch of government, and will sometimes be an entire governmental level (e.g., city, county, or state) as a whole. ABA Model Rule 1.13 comment [9] ('Although in some circumstances the client may be a specific agency, it may also be a branch of government, such as the executive branch, or the government as a whole.'). In essence, it is up to the lawyer and the government 'client' to define who or what is to be considered the client, much as the process works in private-side representations of for-profit entities." Id. at 322 (footnote omitted).

OSB Formal Ethics Opinion 2005-122 also counsels that not all

# ANNOUNCEMENTS

### Nominations for Pro Bono Awards

Please see the insert in this issue to nominate your peers for a Pro Bono Award.

### Courts Page Added to MBA Web Site

Please visit [www.mbar.org](http://www.mbar.org) and choose "Courts" at the bottom of the left index to read profiles of Multnomah County Judges and find important links. The page is in development and will continue to expand. If you have suggestions for the page (content and design) please forward them to [kennedy@mbar.org](mailto:kennedy@mbar.org).

### MBA Bike Rides

MBA noon time rides - short, fast rides with hills. Meet 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.

### Criminal Defense Lawyers Seminar

The Oregon Criminal Defense Lawyers Association is hosting a seminar for new lawyers in

criminal defense on Saturday, January 26, from 9 a.m.-4:30 p.m. at the World Trade Center in Portland.

The New Lawyers Seminar includes topics on trial preparation, client relations, motion practice, jury selection, persuasion in the courtroom, plea negotiations, ethics and more. For information and to register, go to [www.ocdla.org](http://www.ocdla.org), or call OCDLA at 541.686.8716.

### OSB Affirmative Action Program Presents 5th Annual BOWLIO

BOWLIO is a fundraiser for "Opportunities for Law in Oregon" (OLIO), a recruiting and retention strategy for Oregon's ethnic minority law students. This is an event where judges, lawyers and law students team up to win prizes and to network. The cost is \$50 for non-students; \$20 for students (price includes shoes, lane, pizza and non-alcoholic beverages). Join in the fun on Saturday, January 26, at Valley Lanes in Beaverton. Visit [www.osbar.org/aap](http://www.osbar.org/aap) for details.

### Better People Seeks Volunteer Board Members

A Portland nonprofit dedicated to

reducing recidivism, Better People, is seeking attorney volunteers for its board of directors. The organization offers its clients cognitive-behavioral therapy, job training, job placement and job retention. Director terms are three years. The board meets four times a year in NE Portland and performs an annual fundraising campaign. For more information, visit [www.betterpeople.org](http://www.betterpeople.org) or contact Clariner Boston, executive director, at [boston@betterpeople.org](mailto:boston@betterpeople.org) or 503.281.2663.

### 7th Annual Legal Fiction Writing Competition for Lawyers

Do you dabble in writing legal fiction? SEAK, Inc., a medical and legal education company, is accepting typed short stories or novel excerpts in the legal fiction genre for its competition. Submissions must not exceed 2,500 words and are due by March 31.

For contest rules and other details, visit [www.seak.com](http://www.seak.com).

involvement of the government will give rise to sufficient adversity in a relationship to create a conflict. It notes, for example, that a lawyer representing the state in other matters "merely giving a private client advice about structuring a transaction to minimize state taxes" would not constitute a representation adverse to the state, nor would appearing before a state agency on an unrelated matter where the agency was sitting in an adjudicative capacity.

In governmental practice, lawyers can face a full spectrum of conflict issues: current multiple client conflicts under RPC 1.7; former client conflicts under RPC 1.9; and "issue" conflicts under RPC 1.7 and OSB Formal Ethics Opinion 2007-177. As a practical matter, however, conflict issues will arise with greatest frequency if the agency involved uses outside counsel. In that situation, the agency's outside counsel faces the same range of conflict issues presented by nongovernmental clients. By the same token, conflicts involving government agencies are subject to the same waiver standards as those applying to nongovernmental clients, including, under OSB Formal Ethics Opinion 2005-122, advance waivers.

**"No Contact" Rule.** The "no contact" rule, RPC 4.2, applies with equal measure in governmental settings. In that context, however, the often more difficult question is: Who falls within the scope of the

representation of agency counsel? OSB Formal Ethics Opinion 2005-152 answers that question and, in doing so, adopts the same basic approach as Formal Ethics Opinion 2005-80 does for corporations and other private organizations. Under those opinions, organizational constituents are divided into four broad categories and then each is designated as either "off limits" or "fair game."

Current officers, directors and managers are swept under the entity's representation and, therefore, are "off limits" outside formal discovery such as depositions. Applying the rule to agency officers and directors is fairly straightforward. Deciding who is a "manager" for purposes of the rule, however, can be more difficult: 2005-80 notes (and 2005-152 by implication concurs) that it is a fact-specific exercise and depends largely on the duties of the individual in relation to the issues in the litigation.

Current employees whose conduct is at issue are treated as falling within the entity's representation. Therefore, an employee whose conduct is attributable to the agency will fall within the representation of agency counsel. For example, if a city road crew driver runs a red light, causes an accident, jumps out of the cab and yells, "it's all my fault," that employee will fall within the city attorney's representation and will be off-limits outside formal discovery.

Current employees whose conduct is not directly at issue and who are not otherwise separately represented are generally "fair game." See also RPC 3.4(a) (a lawyer cannot unlawfully obstruct another party's access to evidence). To return to the road crew example, let's add the twist that another city road crew driver was following behind and both witnessed the accident and heard the admission. The second driver would simply be an occurrence witness and would not fall within the city attorney's representation.

Former employees of all stripes are fair game as long as they are not separately represented in the matter by their own counsel. The only caveat is that a contacting lawyer cannot use the interview to invade the former employer's attorney-client privilege or work product protection. See *Brown v. State of Or., Dept. of Corrections*, 173 FRD 265, 269 (D Or 1997) (applying former DR 7-104(A)(1) in the entity context); see also RPC 4.4(a) (prohibiting methods of gathering evidence that violate the legal rights of another).

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

# The Desire to Give Back in Retirement Years

By Catherine Petrecca, Pro Bono and LRAP Coordinator for the OSB.

Often we become lawyers out of our desire to help people. Mary Lou Haas has found a way to keep helping people, even after retirement. Haas says she wants to continue to use her license to make a difference in the lives of other people. How does she do it? Like many other Oregon lawyers, Haas maintains an Active Pro Bono status, which she uses to help clients obtain a fresh financial start through bankruptcy.

For lawyers who want to engage in pro bono work as their sole legal work, the OSB has two unique statuses available to them: Active Pro Bono (APB) and Active Emeritus (AE). Under either status, the lawyer pays fees equal to an inactive member, but retains voting and other rights as if active. Two added benefits are exemption from MCLE rules and often, relief from carrying PLF coverage. APB and AE attorneys are required to work through a certified pro bono provider, such as Legal Aid Services of Oregon, the Oregon Law Center or Catholic Charities Immigration Legal Services. The certified programs usually provide the PLF

coverage for the matters taken. If not, the attorney must obtain the insurance.

According to Chris Edwardsen, practicing as an APB attorney allows him to make up for lost opportunities. He said, "I felt remiss in not doing more pro bono work before I retired, so this is a chance to catch up a little. It has been highly gratifying to help low-income seniors with their problems. They are a vulnerable and rapidly growing population, and really need to have counsel available."

Of course, working without the direct support of a firm, or one's own office, has its own challenges. Haas uses an office "kindly" lent to her by a lawyer friend, who lets Haas use a computer, bankruptcy software, printer and clerical support. Haas notes "I couldn't really do it without her."

Edwardsen is challenged by working in new areas of the law, noting that he relies on friends in active practice, other private attorneys in the pro bono program, Legal Aid attorneys, and CLEs to educate himself in new areas.

Attorneys interested in more information on either status



Mary Lou Haas



Chris Edwardsen

should visit the OSB Web site at [www.osbar.org/probono/](http://www.osbar.org/probono/)

ActiveEmeritus.html or contact Cathy Petrecca at 503.431.6355.

*As set forth in OSB bylaw Subsection 6.101: "The Active Pro Bono category of active membership is available to lawyers in good standing: who agree to provide annually a minimum of 40 hours of pro bono legal services to indigent clients referred by [certified] pro bono programs; who do not engage in the practice of law except for providing pro bono services...and who obtain professional liability coverage through the Professional Liability Fund or the program referring the pro bono cases."*

*Active Emeritus is similar, with the exception that the lawyer must have been admitted to practice law for the preceding 40 years. There is no minimum annual number of pro bono hours to maintain Active Emeritus status.*

*Attorneys practicing as an Active Pro Bono or Active Emeritus member are exempt from MCLE rules. (See MCLE Rules and Regulations 3.6.)*

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# MBA WinterSmash 2008 Benefits Multnomah CourtCare

By MBA Fun Committee Members.

The Sixth Annual WinterSmash is slated for Saturday, February 23 from 6-9 p.m. at AMF 20<sup>th</sup> Century Lanes (3550 SE 92<sup>nd</sup> Ave. in Portland).

Lanes will be available for MBA members and their friends, colleagues and families for an evening of fun and food. Bumper lanes will be set up for children. The event serves as the kickoff of fundraising efforts for Multnomah CourtCare. We thank Harrang Long Gary Rudnick for sponsoring the food and beverages.

CourtCare is a collaborative project between the Volunteers of America-Oregon (VOA), the MBA, the Multnomah Bar Foundation, the Oregon Judicial Department and Multnomah County. It aims to provide a compassionate way to protect young children from unpleasant courtroom situations.

A converted Multnomah County Courthouse jury room serves as a fully-staffed and certified drop-in childcare center for children and infants. CourtCare offers games, toys, art supplies and books for up to 100 children a month in a safe and nurturing place to play while parents or guardians tend

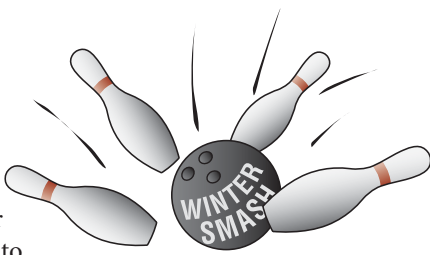
to court business. Since 2001, when it opened its doors, over 6,800 children aged six weeks to five years have visited the center.

Before the service went into operation, children had to accompany their parents into court, where they often witnessed disturbing and emotional scenes.

Nearly 95% of the adults using CourtCare are women; approximately 40% are domestic violence survivors. CourtCare staff regularly refers parents to other services, including childcare, domestic violence shelters and providers of food and clothing.

The center seeks to improve the operation of the courthouse by protecting children from potentially disagreeable court settings, by helping ease parents' access to the legal system and, perhaps most importantly, by ensuring that court settings allow for a fair legal process without undue distractions.

The generosity of spirit, hard work and long history of public service of the Portland Metropolitan area legal community has contributed greatly to the program's efforts. CourtCare is largely supported



by individual lawyers and over 40 area law firms who believe in its mission. The support of the legal community remains key to the survival of this program.

So, come enjoy the company of your colleagues, some good food, play a game you know you love, and support a good cause. Tickets are \$35 for adults and \$10 for kids 3-12 years old. Price includes food, drink, shoes, balls, lane time and the satisfaction of knowing you're supporting CourtCare. Prizes will be awarded for the highest individual score, the lowest individual score, the group with the most participants in attendance and the group with the best bowling shirt. In addition, a trophy will be presented to the group with the highest team score (computed based on top three scores, with only one score from each player counting). Raffle tickets will be sold. The event promises to be a good time; don't miss this opportunity! Register via the insert in this issue of the *Multnomah Lawyer*.

## What's in Your Toolkit for Pro Bono Service?

By Maya Crawford, Associate Director, Campaign for Equal Justice.

The poverty population in Oregon is increasing at a rapid pace, growing from 500,000 in 2000 to nearly 700,000 in 2007. More than 18% of Oregon's overall population comprises low-income persons.

There are 100 civil legal aid attorneys in Oregon, which is less than 1% of the bar. This means that there is one legal aid attorney for every 7,000 poor people in the state. For the general population, there is one attorney for every 340 people. As a result of the growing poverty population and limited civil legal resources, less than 20% of the legitimate legal needs of low-income Oregonians are being met. By contributing money to civil legal aid organizations and performing pro bono work, private bar attorneys are helping to close this gap.

Firms that are committed to pro bono service have found one key to success is to articulate their pro bono policy. Written pro bono policies help firms describe their commitment to pro bono; clarify the expectations, standards, and procedures for pro bono involvement by firm attorneys; and ultimately lead to

Continued on page 12

## Nominate Your Peers for Pro Bono Awards

By Cathy Keenan and Lynne Lloyd, Legal Aid Services of Oregon.

We invite you to nominate your peers or yourself for awards honoring exemplary pro bono attorneys, law firms, or legal organizations. Each year, representatives from the MBA Board of Directors, YLS Board of Directors, Legal Aid Services of Oregon (LASO) and the Oregon Law Center (OLC) through the LASO-OLC Pro Bono Committee join together to present pro bono awards in the three categories listed below. This year, the awards will be presented at a dinner sponsored by the MBA in May 2008.

Please consider making a nomination for one or more of the following awards:

**Senior Law Project Volunteer of the Year.** This award is presented to a lawyer (or lawyers) who has displayed a special commitment to pro bono services by volunteering for the Senior Law Project. The Senior Law Project is the longest running pro bono project in Multnomah County (since 1978) and it serves over 1,000 clients per year.

**Michael E. Haglund Pro Bono Award.** This award goes to a young lawyer (or lawyers) who, in the tradition of Michael Haglund, founder of the Volunteer Lawyers Project, has displayed a special commitment to pro bono services through LASO, OLC or MBA YLS projects. (LASO,

OLC, and MBA YLS projects include the Bankruptcy Clinic, Domestic Violence Project, Pro Se Assistance Project, Senior Law Project, Legal Aid Night Clinic, Community Development Law Center, ProBonoOregon Listserv, Neighborhood Legal Clinics, Nonprofit Project, and Attorneys for Youth.) A "young lawyer" is defined as a lawyer who is 36 years old or younger OR who has been an attorney for six years or less.

**Pro Bono Award of Merit.** This award goes to a lawyer (or lawyers) who has set an example for our legal community in his/her dedication to providing pro bono services to those clients who are unable to afford them.

Awards may be presented to attorneys, law firms or attorney organizations that do pro bono work. If you know an attorney, firm or attorney organization that has done exemplary pro bono work, please complete the nomination form found as an insert in this issue or on the MBA's Web site at [www.mbabar.org](http://www.mbabar.org).

All nominations must be received by February 25, 2008. Nominations should be sent to Lynne Lloyd at [lynnelloyd@lasoregon.org](mailto:lynnelloyd@lasoregon.org) or Legal Aid Services of Oregon, 921 SW Washington St., Ste 500, Portland OR 97205, fax: 503.295.9496.

## Multnomah Bar Foundation seeks grant applications

The Multnomah Bar Foundation awards grants to organizations for projects or programs that promote civics education and participation. Priority will be given to new projects that utilize Multnomah Bar Association volunteers in the Portland metro area. Grants will not exceed \$5,000 except in special circumstances.

Grant applications must be received by **March 31, 2008**. Grant awards will be announced June 1, 2008.

A printable version of the application may be found at [www.mbabar.org](http://www.mbabar.org). For details about the grant application process, contact Kennedy Smith at 503.222.3275.

## How fragile is your nest egg?



Contact Mary Osborn, CLTC with MasterCare Solutions at 503.473.8815 or [Mary@LTCexperts.com](mailto:Mary@LTCexperts.com) to learn about the long-term care insurance plans and premium discounts for MBA members.

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# AROUND THE BAR

**BULLIVANT HOUSER BAILEY**  
**Russell D. Garrett** has been named shareholder-in-charge of the firm's Vancouver, Washington office. Garrett will succeed Richard G. Matson, who remains a shareholder.

Garrett will continue his practice representing creditors and bankruptcy trustees. He also focuses his law practice on commercial litigation, real estate and general business.



Sheila Fox Morrison

of the Year" by the Washington State Hotel & Lodging Association.

The award was presented to Neill for his input, assistance and counsel in articulating, addressing and resolving hoteliers' issues with Washington's Liquor Control Board. His involvement in over two years of discussions, meetings, lobbying and testimony at committee hearings was integral to the passage of a bill establishing a new hotel liquor license in Washington State.



Jim Neill

Neill also currently serves as general counsel for the Oregon Restaurant Association. For more than 35 years, he has advised and defended hospitality businesses in the Northwest and throughout the country.

**Steven Davis** has joined the Portland office as an associate in its business transactions practice.

Davis has more than seven years of business transactions experience, both as in-house corporate counsel and with two law firms.



Steven Davis

The firm announced that it has named three attorneys from its Portland office to partnership: **Ingrid Brydolf**, who practices in health law; **Jacob A. Heth**, in business transactions; and **Sheila Fox Morrison**, practicing in intellectual property and hospitality.



Ingrid Brydolf



Lorne O. Dauenhauer

**LANE POWELL**  
**Lorne O. Dauenhauer** has been elected to shareholder.

Dauenhauer practices exclusively in the areas of employee benefits, ERISA and executive compensation.



Jacob A. Heth

**DAVIS WRIGHT TREMAINE**  
**Jim Neill**, a partner in the Portland office and chair of the firmwide hospitality practice, was recently named "Allied Member



Reuben J. Ortega



Bruce C. Hamlin



Bob Calo

**Reuben J. Ortega** is the 2008 winner of Lane Powell's *George V. Powell Diversity Scholarship*, which awards a second-year law student a substantial academic scholarship for the student's third-year law school tuition and expenses, in addition to a paid summer associate position in either the Seattle or Portland immediately following the student's successful completion of the second year of law school.

**Bruce C. Hamlin** was elected by the OSB Products Liability Section to chair the section's executive committee.

Hamlin's practice concentrates in the areas of product liability, and commercial and insurance litigation. He is an active member of Lane Powell's litigation practice group.

**Bob Calo** has been appointed to the OSB Certified Public Accountants Committee by the OSB's Board of Governors.

Calo is a member of the firm's white collar criminal defense and regulatory compliance practice group.

**STOEL RIVES**

**Barbara Brainard**, a principal in the firm, has been appointed a board member to Resource Media, a nonprofit communications shop dedicated to making the environment matter.

Brainard focuses her practice on employment litigation and counsels employers on all aspects of employment law disputes.



Mark A. Turner

**K&L GATES**

New firm partner **Mark A. Turner** has joined the firm's commercial litigation practice.

Turner has tried more than 100 cases in the state and federal courts, with particular experience in the areas of securities litigation, corporate disputes, employment matters, and intellectual property issues, as well as claims concerning environmental contamination and insurance coverage issues. In addition to his trial experience, he is a committed proponent of alternative dispute resolution and has arbitrated and mediated on a variety of matters.



Ray Benner

**SCHWABE WILLIAMSON & WYATT**

For the third year in a row, the firm has been named one of "Oregon's Most Admired Companies" by the *Portland Business Journal*. The firm was recognized as the second most admired company in the professional services category.

Schwabe, Williamson & Wyatt recently announced the addition of **Ray Benner** to the firm's Portland office. Benner focuses his practice in employee benefits law, specializing in qualified retirement plans.

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

## The Corner Office

### Transcending Polarizing Factors

Professionalism in our practice has always been about transcending polarizing factors to achieve efficient and fair resolutions. It rounds the rough edges of a divisive process through civility, honest communications and mutual respect. At its essence, it is about connecting with our clients and peers on a human level.

A friend and mentor once opined that the greatest joy derived from life was found in making individual connections with others. It takes only a short stretch to apply this sentiment to our work, and it puts professionalism beyond the golden rule. Don't merely limit your behavior to treating others as you wish them to treat you. Reach beyond and make a connection that will leave a lasting impression.

Perhaps this is why the Supreme Court's Statement of Professionalism includes working toward access to justice and supporting pro bono activities.

What better opportunity to connect with another member of society than to provide assistance in a time of need? We are fortunate to live in a community with many opportunities and shining examples of this principle. Local, top-caliber lawyers have faced myriad hurdles in the representation of Guantanamo detainees. Large, established firms have consistently redirected revenue-generating resources to create and staff legal clinics. Imagine the connections that have spanned cultural and economic divides as a result of these examples. Imagine the contributions to individual lives and the cumulative improvement in the perception of our profession. Imagine the impact you can make!

When considering professionalism in the year ahead, look beyond the day-to-day demands of your practice and make time to develop

*Continued on page 11*

# Tips from the Bench

By Judge John A. Wittmayer, Multnomah County Circuit Court.

## ORCP 44 Medical Examinations: (IME or DME, depending on your perspective)

ORCP 44A provides in part that “[w]hen the mental or physical condition ... of a party ... is in controversy, the court *may* order the party to submit to a physical ... examination by a physician. ... **The order may be made only on motion for good cause shown** and upon notice to the person to be examined and to all parties and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made. (*Emphasis added.*)

In my years of practice, both as a plaintiffs’ attorney and a defense attorney (I was one of the few lawyers to belong to both the OTLA and the OADC at the same time), I became very familiar with ORCP 44. And in the almost 12 years I have been a judge, I have had many occasions to consider this rule, as well, including very recently.

We all know that ORCP 44 examinations (I call them ORCP 44 examinations to avoid the “IME/DME” argument) are very common. Most of the time plaintiff’s counsel has no objection when defense counsel requests an examination, and the court is not then involved because no motion is ever filed. But occasionally plaintiff’s counsel does object. When there are objections, most of the time the objections involve the “terms and conditions” of the examination. But sometimes a plaintiff’s attorney objects, arguing that defense counsel has not shown “good cause.”

When plaintiff’s objection involves the “terms and conditions” of the examination, the bar would be well-served to look at the Multnomah County Circuit Court’s Web site to review the Civil Motion Panel consensus statement about these examinations at [www.ojd.state.or.us/mul/civil\\_motion\\_panel\\_consensus.pdf](http://www.ojd.state.or.us/mul/civil_motion_panel_consensus.pdf). There is guidance on the Web that might help the lawyers resolve the matter without resorting to a motion, with all the delay resulting therefrom.

When plaintiff’s objection is that defendant has not shown “good cause” it is a more difficult issue. We have all become used to the notion that all the defendant needs



to do is request the examination and it will happen. But that is not what ORCP 44A says. Defense counsel should be prepared to articulate some “good cause.”

The court has discretion to grant or deny the motion, which will only be reviewed for an abuse of discretion. See *Delcastillo v. Norris*, 197 Or App 134, (2005), *rev den* 338 Or 488 (2005).

The Court of Appeals, in *Delcastillo*, defined for us the phrase “good cause,” citing the dictionary, as “a cause or reason sufficient in law: one that is based on equity or justice or that would motivate a reasonable man under all the circumstances,” and went on to say that courts may require a physical examination if it appears to promote the “ends of justice.”

### Practice tip for defense counsel

When you have to file a motion requesting an order directing plaintiff to submit to an examination, you should cite *Delcastillo*, and be prepared to submit to the court some “good cause,” other than that you disagree with the extent of the injuries as asserted by plaintiff. Do not assume your motion will be granted just because you think you have a “right” to the examination.

### Practice tip for plaintiff’s counsel

Object to the examination request only when you have a good reason to do so. If your client has a substantial injury, you might be surprised to see the examination report support your position, making it easier to settle the case. When you must object, focus your argument on the discretionary role of the motion judge, and the requirement that defendant show “good cause.”



By Doug Bray, Multnomah County Circuit Court Administrator.

## Presiding Judge’s Report

Judge Koch reported that Circuit Court Judge Ronald E. Cinniger sent a letter to Governor Ted Kulongoski on November 23, announcing his retirement effective December 31. Judge Koch also told the committee that he has only 24 more days as the Presiding Judge of the Multnomah County Circuit Court. Judge Jean Maurer was appointed as the Presiding Judge effective January 1, 2008.

[Update: Since the Court Liaison Committee meeting, Governor Kulongoski appointed Stephen K. Bushong to fill the judicial vacancy.]

Judge Koch said that there will be a reassignment of some courtrooms within the Multnomah County Courthouse in early January. Over the weekend of January 5, nine judges will switch courtrooms within the courthouse. An updated list will be posted to the circuit court’s Web site to provide the necessary information to the bar and the public. Courtroom assignments in the courthouse are by seniority; each vacancy creates an opportunity for judges to move.

## MBA Web Site Courts Page

Judy Edwards reported that Kennedy Smith will be developing the court pages, including the individual judge profiles.

## Courthouse Relocation Update

The MBA Board has hired the firm Conkling, Fiskum & McCormick, Inc., for assistance in establishing and executing a strategy to move forward on the replacement of the current courthouse. The firm will conduct a poll to measure voter support for a new courthouse, monitor the legislature’s interest in courthouses and help build a coalition of partners. In the last conversation with the Multnomah County Chair, the MBA was told that the total public levy for the new courthouse will be about \$200 million dollars and that it is expected to appear on the 2010 ballot.

Commissioner Lisa Naito has hired attorney Mark E. Pengilly to work half-time on the courthouse project.

## New Business

John Belknap said one of the YLS Board members was on jury duty recently and raised an issue that they would like the presiding judge to consider. Could the judge speaking at jury orientation tell jurors about the deterioration of the courthouse and stress the need for its replacement? Judge Koch responded that it is a difficult issue for judges to discuss with jurors. The truth about the seismic dangerous of the building may result in raised fear and anxiety that interferes with carrying out the responsibilities of a juror. Also, he said, it is not uncommon to have people serve who are without any financial means and to whom a tale of woe about the facility would be viewed as judges complaining. It is, he concluded, a valid comment from the YLS, but finding the right statements to make about the courthouse takes some thought and he will pass the comment along to the judges doing orientation.

# Take a Matter that Matters Sign the MBA Pro Bono Pledge

Many low-income members of our community face serious legal problems every day. In an effort to help out those in need the MBA is pleased to announce the launch of the 2008 Pro Bono Pledge: “Take a Matter that Matters.” By taking the pledge, an attorney agrees to take one legal matter this year that helps a person of limited means or an organization serving persons of limited means.

The benefits of helping are profound. Pro bono attorneys help people with family matters and assist them in keeping their homes, incomes and property. Legal advice helps people negotiate difficult systems, retain their dignity and maintain a belief in our justice system. Attorneys who provide pro bono services get the personal satisfaction of using their legal skills to help others, and they gain valuable skills training, as well as demonstrating our profession’s commitment to equal justice.

Information on “Take a Matter that Matters” is included in a special insert to this edition of the *Multnomah Lawyer*. It is easy to take the pledge by signing up online at [www.mbabar.org/htm](http://www.mbabar.org/htm). Pro bono opportunity links are provided to

help you find an opportunity and an area of law that meets your needs. Make a difference in people’s lives. “Take a Matter that Matters”

MULTNOMAH BAR ASSOCIATION

## Pro Bono Pledge

Take a matter that matters



## MBA 6th Annual WinterSmash A Family Friendly Bowling Event

Saturday, February 23  
6-9 p.m.

20th Century Lanes  
3350 SE 92nd

10 minutes from downtown Portland  
A Multnomah CourtCare fundraiser

See insert and page 6 for details.

## MBA Board Elections

The MBA bylaws provide for a slate of candidates to be presented to the membership at least 60 days prior to the annual meeting. This slate will appear in the March issue of the *Multnomah Lawyer*.

The bylaws also provide for nominations from the membership at large. A nominating petition, endorsed by the nominee and at least 10 other MBA members, must be received by 5 p.m. on Monday, February 11, in the MBA office. Ballots will be included with the April newsletter; they will be due to the MBA office by 5 p.m. on Wednesday, April 30. Winners will be officially announced at the MBA Annual meeting on Wednesday, May 21.



# Presiding Judge Jean Kerr Maurer

By Judy A. C. Edwards, MBA Executive Director.

Many of you already know **Judge Jean Maurer**, who became Multnomah County Circuit Court's Presiding Judge on January 1, 2008, but we thought you might appreciate a little insight into what's on her mind as she begins her new role at the courthouse.

## What do you like most about being a judge?

"There are many things that make my life as a judge very enjoyable. Right at the top of the list is the opportunity to assist people in resolving their disputes in a safe and impartial forum." She especially appreciates "participating in a system dedicated to the rule of law and witnessing that principle put into practice every day." The work of a judge is intellectually challenging and provides her with the ability to interact with people who come from all walks of life. "It's very

satisfying to provide parties with the certain knowledge that they will be heard."

## What will be the biggest challenges in moving from a full-time judge to the presiding position?

"The roles are very different. The presiding judge has the responsibility of overseeing the administration of the court and collaborating with other partners in the system, whereas a trial judge typically presides over one case at a time, applying the law to the facts of the case before the court."

## What types of courtroom cases or activities will you continue?

"If time permits, I would like to continue serving as a settlement judge in certain civil and criminal cases, typically those in which the issues are complicated and/or the charges very serious."

While she doesn't yet know what her schedule will be, she enjoys settlement work and would like to stay in touch with lawyers in that capacity.

## What are the qualities you most admire in judges?

"I like what everyone likes: fair-minded, patient, hard-working and decisive judges." She especially values good temperament and the willingness to take on the work of the court. She appreciates that her colleagues on the bench embrace those qualities. "I am so fortunate to work with the colleagues that I do. We share the work and lend a helping hand to one another whenever it is needed."

## What are the qualities you most admire in lawyers who come before you?

"Civility, civility, civility." In other words, in written materials,

oral arguments and interactions with parties, lawyers, judges, staff, and the public at large, Judge Maurer wants lawyers to behave professionally. Of course, she also wants lawyers to be prepared, timely and absolutely candid in their dealings with the court. Additionally, she says, lawyers earn high marks when they limit their requests for continuances and accept adverse rulings graciously.

## What tips do you have for our members?

"Become involved in bar activities. Work hard to balance your professional life with your personal life. Respect the work of your opposing counsel. Care passionately, but don't personalize the case. Remember that it's not about lawyers, it's about the case."



Judge Jean Kerr Maurer

## Since this is the annual MBA Pro Bono newsletter issue, what kinds of pro bono work can judges perform?

"Serving on nonprofit boards provided the service does not involve fundraising, coaching or judging mock trial teams and speaking or teaching at community events by educating the public about the judicial system" are among the pro bono activities in which judges can participate.

## Pro Bono Opportunities in Multnomah County 2008 Program Descriptions

Many of the programs listed below provide training materials and mentors to assist new volunteers. All programs listed, except those that are starred (\*\*), are OSB-certified programs. Volunteers for OSB-certified programs are covered by PLF insurance and do not need independent coverage on their pro bono cases. Volunteers who donate over 40 hours of pro bono work in the calendar year with these programs are eligible for vouchers to be used toward OSB CLEs.

For a full list of pro bono opportunities in Multnomah County, please consult the MBA Web site ([www.mbar.org](http://www.mbar.org)) for an electronic copy of Pro Bono Opportunities in Oregon, published by the OSB.

### Catholic Charities Immigration Legal Services\*\*

Volunteer attorneys represent immigrant adult and child survivors of domestic violence in their immigration cases, including petitions under the Violence Against Women Act and gender-based asylum. Catholic Charities holds trainings for pro bono attorneys throughout the year and attorneys do not need to have prior experience with immigration law. Catholic Charities provides ongoing mentoring and technical assistance. **Contact:** 503.542.2855.

### Children's Representation Project\*\*

Attorneys are appointed by the court to represent children whose parents are involved in custody disputes in Multnomah County. Cases are assigned through the Multnomah County Family Law Court. The Hon. Susan Svetkey

and her staff coordinate the project. Attorneys with family law and juvenile law experience are especially needed for this project. **Contact:** Brandy Jones, 503.988.3060, [brandy.jones@ojd.state.or.us](mailto:brandy.jones@ojd.state.or.us)

### Community Development Law Center

This project of the Campaign for Equal Justice and Legal Aid Services of Oregon assists nonprofit organizations involved in housing and community economic development activities. The CDLC provides legal advice, representation, group training and one-on-one technical assistance to its nonprofit clients. Examples of projects include land acquisitions, review and negotiation of project financing and construction agreements, development of ground leases, contested land use cases, property tax cases, nonprofit mergers and general nonprofit governance matters. Call if you are interested in working with nonprofits to increase affordable housing for low-income Oregonians.

**Contact:** Leon Laptook, 503.471.1180, [leon.laptook@lasoregon.org](mailto:leon.laptook@lasoregon.org)

### Immigration Counseling Service\*\*

ICS provides legal assistance in immigration-related matters to low and moderate income residents of Oregon. The agency represents families seeking reunification, assists persons fleeing persecution and violence and educates the public regarding the citizenship process. Attorneys interested in assisting with research, etc. do not need to have experience in immigration law.

**Contact:** Barb Babcock, 503.221.1689, ext. 103, [bbabcock@immigrationcounseling.org](mailto:bbabcock@immigrationcounseling.org)

### Multnomah County Office of Legal Aid Services of Oregon-VLP

**Contact:** Lynne Lloyd, [lynnelloyd@lasoregon.org](mailto:lynnelloyd@lasoregon.org), 503.224.4086

### Bankruptcy Clinic

The OSB Debtor-Creditor Section and the VLP developed a class and clinic to provide information and representation to low-income individuals who are considering bankruptcy or who are already in US Bankruptcy Court as pro se litigants. The project includes a class addressing bankruptcy issues which anyone may attend. In the clinic, an attorney meets with each client for 30 minutes and helps each one to assess whether bankruptcy is appropriate, and if so, provides ongoing representation. Six attorneys and one speaker are typically scheduled for each clinic. Clinics are held on the third Tuesday of the month from 6:30-9 p.m. and alternates among Beaverton, Gresham and downtown Portland locations. Training materials are available.

### Domestic Violence Project

The Domestic Violence Project matches pro bono attorneys with victims of domestic violence for representation in contested Family Abuse Prevention Act (FAPA) restraining order hearings, Elderly Persons and Persons with Disabilities Abuse Prevention Act and stalking order hearings. These cases tend to have short timelines, limited issues and require a court appearance. Attorneys sign up in advance to be available to take a case on a specific day (restraining order hearings are generally held on Mondays and Thursdays). This project is an excellent volunteer opportunity for young lawyers, for

lawyers seeking court experience and for attorneys who cannot commit to taking long-term cases. Videotaped and written training materials are available.

### Pro Se Assistance Project

Attorneys provide pro bono consultations with individuals served by the Family Court Facilitation Program who require legal advice or document review. Attorneys meet with three clients, each for a 45-minute appointment. Clinics are held from 2:30-5 p.m. at the Multnomah County Courthouse. Attorneys respond to discrete family law questions and/or review documents prepared by unrepresented litigants. Attorneys are not expected to provide ongoing representation to clients and clients sign a retainer agreement detailing the limited scope of the attorney-client relationship. We seek attorneys with family law experience to volunteer for this project.

### Senior Law Project

The Senior Law Project began in 1978 to provide seniors with access to basic legal advice. Volunteer lawyers meet with clients who are over the age of 60 or who are married to someone over 60 (regardless of income), at nine senior center locations in Multnomah County. Volunteer attorneys provide 30-minute consultations for up to six clients, but typically provide continuing pro bono services for only those clients who meet VLP financial eligibility requirements. The VLP sponsors a monthly Elder Law Discussion Group to provide information and support on issues of interest to the attorney

volunteers. SLP is the VLP's largest project, with over 25 clinics each month.

### ProBonoOregon Listserv

Legal service offices or certified pro bono programs around the state post cases to the listserv every Thursday. Only pre-approved organizations may post cases, with each program posting only one email per week. Postings are sent to individual attorneys or pro bono coordinators for internal distribution within firms. An attorney who is interested in accepting a pro bono opportunity contacts the listing office for full case information. Listings include the type of case and a brief description that does not include highly identifying facts or parties. Conflict information is discussed with interested attorneys when they contact the listing office. This project allows attorneys to take a pro bono case when it fits best with their schedule.

### Legal Aid Night Clinic

LASO co-sponsors this clinic with Stoel Rives. Clinics are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of the month from 5:30-7:30 p.m. The clinic is held at the offices of Stoel Rives and every other clinic is open to volunteer attorneys outside the Stoel Rives firm. Two volunteer attorneys are scheduled for each clinic, with eight appointments available per clinic. Volunteer attorneys take cases in the following areas: consumer issues, small claims cases, criminal record expungements, landlord/tenant damage claims, Social Security cases, estate planning,

*Continued on page 11*

# Help Make a Difference in Young People's Lives

By Josh Ross, Stoll Stoll Berne Lokting Shlachter and Cashauna Hill, Ashcroft Wiles Ammann.

Are you interested in working with youth in our community and making a difference in their lives? Then you should sign up for the Imprint Program.

The Imprint Program is a rewarding, meaningful volunteer opportunity for attorneys in Multnomah County - with minimal time commitment. The program is in its fourth year and is sponsored by the MBA YLS Service to the Public Committee.

Through the Imprint Program, you will develop a one-on-one relationship with a student pen pal. Over the course of three months, you and your student will exchange letters discussing a popular novel the student is reading in class. The program begins with introductory letters to one another. Through later letters, you will have the opportunity to discuss the book and continue developing the relationship. After completing the book and exchanging a number of letters, the program ends with a luncheon in early spring where you will finally be able to meet your student face-to-face. The luncheon is the most important part of the program and your being there will mean the most to your student. Therefore, we do require that all volunteers attend.



Calma Sasao and pen pal YLS Volunteer Lara Gardner

The time commitment is minimal, but the rewards are huge: Over the course of the program, you will write 4-5 letters and read one short novel (and possibly a short story). The program is ideal for lawyers with busy schedules because you can write the letters and read the novel as your schedule allows.

Most importantly, this program has incredible meaning for the students. Many of the students we work with do not have any positive adult role models in their lives. For some, the attorney volunteer is the only adult relationship they will have outside of school and family. Feedback from past years has shown that, for many of the students, just having an adult who takes an interest in them makes a great impact.

The program has been such a great success in the past years that we hope to expand to five classrooms at Parkrose Middle School and High School. We are looking for a total of 125 volunteers. To participate, you must be available for the program end party on either April 29 or May 5.

We will have an orientation meeting for all volunteers on Thursday, January 10 at 5:45 p.m. at Standard Insurance auditorium. Attendance at the orientation is not mandatory, but is strongly encouraged. If you are interested in participating this year, please contact program co-chairs, Josh Ross at [jross@ssbls.com](mailto:ross@ssbls.com) or Cashuana Hill at [chill@ashcroftwiles.com](mailto:chill@ashcroftwiles.com).

## YLS Attorney Profile Amber Hollister

By Nicholas Kampars, Davis Wright Tremaine and YLS Pro Bono Committee member.

The statistics on domestic violence in our community are staggering. In Multnomah County alone, an estimated 21,000 children are exposed to domestic violence every year. Nationwide, women leaving an abuser have a 75% greater risk of being killed by their batterer during the first few months than those who choose to stay.

Enter Portland attorney Amber Hollister. Providing access to the justice system for these individuals is a fitting mantra for Amber, Deputy General Counsel for Governor Ted Kulongoski. Through Legal Aid Services of Oregon's Domestic Violence Project, Amber represents domestic violence victims in Multnomah County who seek to prevent alleged abusers from vacating outstanding restraining orders and/or emergency child custody orders. Attorneys like Amber assist a vulnerable population while gaining valuable trial experience.

Amber also volunteers for the Catholic Charities Immigration Legal Services. Catholic Charities refers victims of domestic violence and are the spouses of

US citizens or permanent residents to attorneys like Amber for pro bono assistance. Under normal circumstances, US citizens and permanent residents file immigration petitions on behalf of their spouses to help them obtain immigration status. However, in domestic violence situations, an abuser will often refuse to apply for a spouse's immigration status and will use that victim's status as a method of control. This prevents the victim from obtaining employment and makes the victim less likely to report ongoing abuse to the police. Congress sought to resolve this problem by allowing victims of domestic violence to self-petition for legal status through a special provision of the Violence Against Women Act (VAWA). Amber works hand-in-hand with these victims to gather evidence supporting their self petitions, including evidence of the abuse and their cohabitation and evidence that their marriage was made in good faith. Once the self petition is approved, they may then apply to become a legal resident or apply for a work permit.

Amber's work for both of these organizations reveals her deep



Amber Hollister

commitment to providing an avenue to the justice system for those unaware of their rights or who may be in situations where their rights cannot be exercised. Despite the tremendous pro bono efforts by Amber and attorneys like her, much more assistance is needed.

If you are interested in learning more about the Domestic Violence Project, please contact Lynne Lloyd at [lynne.lloyd@lasoregon.org](mailto:lynne.lloyd@lasoregon.org). If you would like to learn how to assist domestic violence victims in filing VAWA self petitions, please contact Sam Oliver of Catholic Charities at [revilomas@gmail.com](mailto:revilomas@gmail.com).



## Volunteers Show Good Will, Serve Good Meals

By Iayesha Smith, Crispin Employment Lawyers and YLS Service to the Public Committee member.

On Saturday, December 8, a group of MBA members and their friends and families took time out to help serve dinner at the Blanchet House of Hospitality. Blanchet House has provided resources to Portland's homeless community since 1952 and currently serves over 250,000 meals each year. It is one of three Blanchet organization sites in the Portland area, all run solely on charitable financial contributions and the work of volunteers. The MBA members who volunteered helped out by serving, busing tables and working in the kitchen. Afterwards, they enjoyed a meal with other volunteers and the staff. A second group volunteered on December 29 during the lunch shift.

Watch the *Multnomah Lawyer* and your email inboxes for more volunteer events planned in 2008, with organizations like SMART, Girl Scouts, Oregon Humane Society, SOLV and Friends of Trees.

## Lending a Helping Hand to Outside In

By Nicholas Kampars, Davis Wright Tremaine and YLS Pro Bono Committee member.

Recognizing a need for legal representation within one of Portland's most vulnerable populations, a group of attorneys at Davis Wright Tremaine (DWT) teamed up with one of the city's most innovative charitable organizations to offer a legal clinic for disadvantaged youth. That nonprofit, Outside In, offers homeless or low-income youth a wide variety of services in an effort to place them on a path toward success. Services include transitional housing, a medical center, an employment center and a day program that provide these youth with a safe place to go. In operation since 1968, the results of these innovative efforts have been nothing less than outstanding.

By offering a walk-in legal clinic on a twice-monthly basis, the DWT attorneys assist the organization and the youth it serves. Often, the youth just need someone to listen to their problems, both legal and non-legal. "Many who utilize Outside In's services also have complicated and pressing legal needs" states Scott Warnick, an associate at DWT and the attorney who created and coordinates the legal clinic. "Unfortunately, most of these individuals do not know how to access legal services or find their way through a confusing and often intimidating legal process," he says. These unique problems require creative problem-solving, with active involvement by the client.

Warnick notes that the legal clinic provides the individuals with an opportunity to talk to an attorney, and get answers to their questions, as well as access to community legal services that provide additional assistance. It is also a great way for the attorney volunteers to give something back to the community, and to satisfy our professional obligation to assist those who do not have the means to obtain legal representation. This produces a satisfying end result for both.

Davis Wright Tremaine has assisted several young people through the legal clinic at Outside In, and looks forward to serving many more. For more information on the services offered by Outside In, please visit [www.outsidein.org](http://www.outsidein.org).

get the new year off to a great start with the YLS at Aura!

The MBA Young Lawyers Section and Oregon Minority Lawyers Association are holding a joint Drop-in Social at Aura (1022 W Burnside) from 5:30-7 p.m. on Wednesday, January 23.

We are honored to have Judge Jean Maurer, new presiding judge for the Multnomah County Circuit Court, as a speaker at this event.

This is a casual get-together and a great opportunity to meet and network with young lawyers. Grab your friends and coworkers and join us on January 23.

## Pro Bono Opportunities

Continued from page 9

uncontested guardianships, uninsured motorist defense, veterans' benefits, and nonprofit incorporation. The volunteer attorneys typically provide continuing legal representation to clients with meritorious cases.

### Multnomah Bar Association, Young Lawyers Section

#### Attorneys for Youth\*\*

Volunteer attorneys are placed on an on-call list, which is made available to organizations serving homeless and near-homeless teens and teens in job training programs. Attorneys agree to respond quickly to questions about criminal, family, immigration, landlord/tenant and employment law, among other subjects, but are under no obligation to provide continuing representation to the client. Training materials and a resource list are provided.

**Contact:** Davis Wright Tremaine, 503.241.2300.

#### NonProfit Project

Nonprofit corporations are screened and paired with volunteer attorneys who handle single-issue, non-litigation matters. Typical projects include reviewing bylaws, articles of incorporation, employment agreements and leases and

providing advice on employment and intellectual property matters. This is a great volunteer opportunity for transactional attorneys.

**Contact:** Michelle Barton, 503.224.5858, michelle.barton@millernash.com or Christine Gibert, Miller Nash LLP, 503.205.2328, christine.gibert@millernash.com

#### Oregon Law Center, Portland Office

**Contact:** Lori Alton, 503.473.8326, lorialton@yahoo.com

#### Neighborhood Legal Clinic

Weekly clinics are conducted from 4:30-6:30 p.m. in Portland. Each clinic serves 3-4 clients. Common legal needs include collection, contract, landlord/tenant, unemployment, small estates and insurance defense issues. Currently there are two clinics, including one that is geared toward Spanish-speaking clients. Individuals and law firms can schedule one or more appearances each year.

#### ProBonoOregon Listserv

ProBonoOregon is a weekly email listserv that posts pro bono cases from programs serving the needs of low-income clients.

The listserv allows attorneys to take the case they want, when they want it and in the field of their choice. To sign up for ProBonoOregon, send an email to probonooregon-suscribe@mail.lawhelp.org or call Lori Alton for more information.

#### St. Andrew Legal Clinic

Volunteer attorneys conduct 30-minute intake interviews at "night clinic" on family law issues. Night Clinics are held every Wednesday and alternate Tuesdays from 6:30-8 p.m. in the Multnomah County office in NE Portland; Wednesday from 6:30-9 p.m. at the Washington County office in Hillsboro; and alternate Tuesdays from 6:30-9 p.m. and Wednesday afternoons in the Clackamas County office in Oregon City. Dinner is provided to all volunteers at 6 p.m. All volunteers are supervised by a SALC staff attorney and volunteers do not need family law experience. Training materials are available.

**Contact:** Eileen Stein 503.281.1500 x10, estein@salcgroup.org for Portland; Debbie Bridges 503.557.9800 x10, dbridges@salcgroup.org for Oregon City; 503.648.1600 for Hillsboro.

## PRO BONO VOLUNTEERS

Thanks to the following lawyers, who recently donated their pro bono services 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 and Attorneys for Youth. To learn more about pro bono opportunities in Multnomah County, check out the Pro Bono Opportunities in Oregon handbook, available at [www.mbabar.org/docs/ProBonoGuide.pdf](http://www.mbabar.org/docs/ProBonoGuide.pdf).

Clarke Balcom  
Katelyn Benjacob  
Brandon Benson  
Brittany Berkey  
Dick Biggs  
Candice Brown  
Dick Brownstein  
Cameron Carter  
Paul Conable  
Amy Davidson  
Nicole Deering  
Richard Deich  
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Chris Erickson  
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Sam Friedenberg  
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Peter Galambos  
Dave Gannett  
Chip Gazzola  
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Melissa Peterson  
Lloyd Pollard II  
Marla Rapp  
Shane Ratigan  
Josh Ross  
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Jill Schneider  
Ellen Sheedy  
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Bruce Towsley  
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Britta Warren  
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## PRO BONO FUNDRAISER Thursday, January 17, 2008 square deal wine company

*Please join us for an evening of great wine, great food and support a great cause!*

The Pro Bono Committee of the MBA Young Lawyers Section invites you to mix business with pleasure. Buy your tickets now for our first annual fundraiser and calendar the following essential information into your PDA of choice:

**What:** An evening of fine wines and edible delicacies. You and 50 of your peers will mingle in an intimate, cocktail setting, where you'll eat, drink, learn about great food and wines and exchange lawyer jokes.

**Where:** Square Deal Wine Company

**When:** Thursday, January 17, 2008, from 6-8 p.m.

**Cost:** Tickets are \$50 per person and are available by contacting the MBA at 503.222.3275. Prepayment by Visa, MasterCard or check is required by January 7.

Along with a fabulous night, each attendee will receive a \$10 gift certificate redeemable towards the purchase of wine at Square Deal. In addition to ticket proceeds, 10% of the evening's wine sales will be donated by Square Deal. All donations will support the Pro Bono Domestic Violence and Juvenile Rights Handbooks published by the MBA YLS.

This event is brought to you with the generous support of the Square Deal Wine Company, the MBA YLS and the family law firm of Gevurtz Menashe Larson & Howe PC.

[www.mbabar.org/MBA\\_yls-events.htm](http://www.mbabar.org/MBA_yls-events.htm)

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**Call or email for more information:**  
Lori Alton 503.473.8326, [lorialton@yahoo.com](mailto:lorialton@yahoo.com)

## The Corner Office

Continued from page 7

connections of your own. Provide direct pro bono legal services. Use your knowledge and experience to volunteer on a board or committee. Give generously of your time and resources. This year, more than ever, take time to step across dividing lines and become involved in a pro bono activity.

*The Corner Office is a recurring feature of the Multnomah Lawyer and is intended to promote the discussion of professionalism*

*taking place among lawyers in our community. While The Corner Office cannot promise to answer every question submitted, its intent is to respond to questions that raise interesting professionalism concerns and issues. Please send your questions to [mba@mbabar.org](mailto:mba@mbabar.org) and indicate that you would like The Corner Office to answer your question. The MBA will protect the anonymity of those submitting questions.*

## Toolkit for Pro Bono Service

Continued from page 6

more hours of pro bono service for those in need. The OSB has created an interactive toolkit to help firms of all sizes create a pro bono policy that fits their specific circumstances. The Pro Bono Policy Toolkit walks you through steps that develop a customized pro bono policy and produces a working draft. As an additional incentive, firms that participate will be recognized by the bar for their efforts.

The experience of law firms with pro bono policies shows that adopting a formal policy increases pro bono participation by firm lawyers, by giving a strong signal that pro bono work is valued and rewarded within the firm. Addressing policy issues up-front also ensures that pro bono work is performed within the guidelines

and procedures set up by the firm. Pro bono policies can help a firm in its recruitment efforts; a recent National Association of Law Placement study demonstrates that top graduates are paying close attention to a firm's attitude toward pro bono when they select a firm. Support of pro bono endeavors is also shown to increase retention of senior lawyers. A strong firm commitment to pro bono service can counteract the feeling of anonymity which is often cited as a reason for lateral moves among firms.

Supporting pro bono services can also benefit a law firm's bottom line. Increasingly, business clients are placing more value on their law firm's demonstration of commitment to social issues, such as promoting diversity and

combating poverty. Corporate clients recognize the economic benefits of being stakeholders in their communities and they want their legal counsel to do the same. Moreover, pro bono opportunities provide good training in technical legal skills and development of client counseling skills. This also affords the firm a better opportunity to evaluate the full range of an associate's legal abilities.

By adopting a pro bono policy, law firms show their dedication to ensuring that all people have access to the justice system. To create your own Pro Bono policy, go to [www.osbar.org/probono/policy](http://www.osbar.org/probono/policy).

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Jannel Covault, *Moment's Rest*, 2004

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On the website, click on "Benefits Login."  
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# ABA *The Criminal Lawyer's Guide to Immigration Law* Publication

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real-life situations you face as a criminal lawyer with noncitizen clients or witnesses.

The MBA member price for this publication is \$99.95, regularly \$114.95. To purchase this book or to see what others have said about it, log onto [www.ababooks.org](http://www.ababooks.org) and enter your member discount source code PAB5EMUL. Your member discount applies to any publications featured on the ABA Web site.

*We also encourage you to attend the upcoming Immigration: How Clients' Status Affects Their Case CLE seminar on January 24.*



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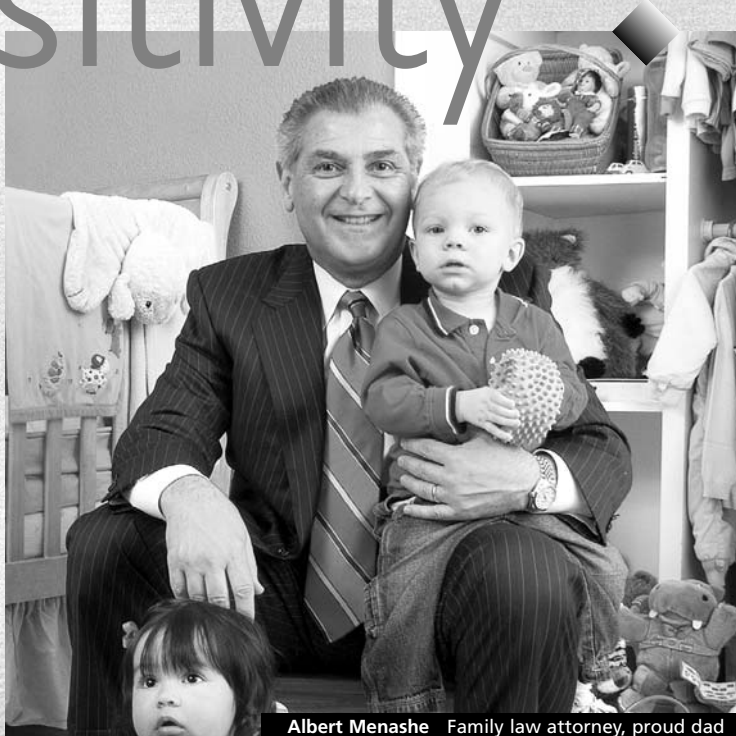
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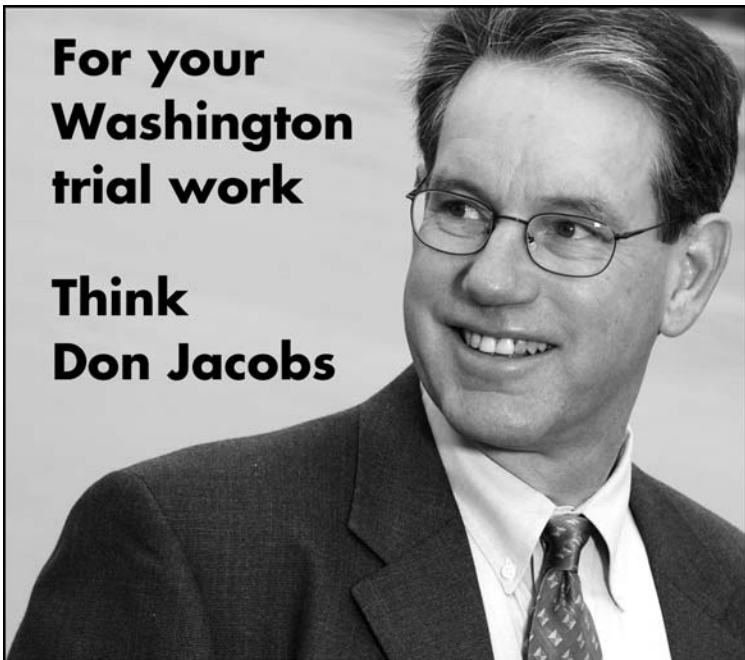
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# Foundation Welcomes New 2008 Board Members



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The Multnomah Bar Foundation Board of Directors will start 2008 with four new members.

**Peter Glade**, as immediate past president of the Multnomah Bar Association, will assume a three-year term on the board. Glade, a shareholder at Markowitz Herbold

Glade & Mehlhaf, was MBA President in 2006-7, president-elect in 2005-6, and treasurer 2004-5. As MBA President, he spearheaded the ongoing effort to fund and build a safe and secure Multnomah County Courthouse.

**Michelle Druce** will be the foundation's MBA Board Liaison. Along with serving on the MBA Board, she is a member of the MBA Budget and Finance Committee, and she previously served as YLS President and is

currently the in-house corporate counsel for Wilshire Credit Corporation.

Also new to the MBF Board is **Natalie Hocken**, who has been general in-house corporate counsel for Pacific Power since Jan. 1, 2007. Prior to joining the company in 2002, Hocken was an attorney with the law firms of LeBoeuf Lamb Greene & MacRae LLP and Heller Ehrman LLP. She previously served on the YLS Board.

**Tom Sand** will fill the fourth board opening. As a managing partner at Miller Nash, Sand focuses his practice on general trial practice and civil litigation. He has tried state and federal court cases, and has argued in the Ninth Circuit Court of Appeals, the Oregon Supreme Court and the Oregon Court of Appeals. In 2004, he was named a Distinguished Graduate by Lewis & Clark Law School.

The MBF Board of Directors is the policy-making body of the MBF and consists of approximately 12 directors elected by the membership and the immediate past president. Director terms are three years, running January 1 through December 31. Officers are elected annually from within the board. For more information, visit [www.mbabar.org/foundation.htm](http://www.mbabar.org/foundation.htm).



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