



Up and Running

by Steve Blackhurst
 MBA President

Fall is my favorite time of the year. Our weather is usually good in September and October and the vegetables and fruits at the farmers' markets are at their peak. We also have football to distract

us from the political paralysis in Washington D.C. As I write this, both the Ducks and Beavers lost their opening games. Nonetheless, I am more interested in their respective seasons than I was in hearing this summer's non-stop chatter about the debt ceiling crisis. And if football is not to your liking, what better time is there to hike and camp in Oregon than in the fall.

I also like fall because it is a time of new beginnings - more so for me at least than the beginning of January. When I was a kid I would have a new teacher in September, a few new school clothes, a new coach and perhaps a new lunch box. It was my time to try something new, whether it was trying to play middle linebacker (my coach said I was "small but slow"), or trying to play the trumpet. As you might imagine, I was never very good at either, but look back on each as worth the effort. Well, maybe not practicing the trumpet.

MBA Planning is Taking Off

The same is true now at the MBA. Our committees are up and running, planning new programs and coming up with new ideas for responding to the challenges facing our profession. We strive for diversity on our committees. This means that if you are on one of these committees, you should have an opportunity to meet and interact with lawyers with practices dissimilar to yours. That is one of the benefits of not just belonging to the MBA, but in being active in the organization. It also is a way to encourage fresh, creative thinking about how best to solve problems.

Many years before I joined the MBA Board, I was a member of the Court Liaison Committee. I thought that our circuit court should assign a judge to a case when it was filed, the way it was done in federal court. If you were litigating anything other than a routine civil case, I disliked the fact that the trial judge knew nothing about the issues in the case until the day before trial. I also thought that the system made some judges view cases as widgets on an assembly line, valuing production more than the quality of justice the system produced.

By serving on the Court Liaison Committee I learned how complex our court system is and what a small portion of the docket was made up of the kinds of civil cases on which I worked. I also learned that the presiding judge and court administrator were facing budgetary and other pressures about which I knew nothing. Nonetheless, both were very interested in practical suggestions for improving the court's procedures. The same is true today. If you have

been following the proposed changes in the supplemental local rules, you know that the court is encouraging input on how cases should be managed to promote both efficiency and justice.

This year the chair of the Court Liaison Committee is Eric Dahlin of the Davis Wright firm. Keith Garza is the MBA Board liaison to that committee. If you have questions about our court system or suggestions on how to improve its operations, I urge you to contact Eric, Keith or any of the other members of this year's committee.

I also want to draw your attention to an important event coming up on November 4 - the Convocation on Equality. The convocation is designed to provide specific information on how to support and participate in efforts to promote diversity in the profession. As Chief Justice De Muniz has said, it is important to have lawyers with richly divergent backgrounds and experiences who can improve the communities in which they live and work. The convocation will provide tools aimed at increasing diversity in the workplace for firms, businesses and agencies that hire lawyers.

After the convocation, two MBA committees will be pursuing the ideas and strategies discussed at the convocation. Our Membership Committee is charged with developing ideas to promote greater diversity among our membership. This year our chair of that committee is Cody Elliott and Sheila Potter is the board liaison. Both would welcome your ideas on this subject.

We also want the MBA Equality Committee to recommend strategies to the MBA Board for how to increase diversity in all aspects of our organization as well as in the legal profession. Everyone knows that today's job market for new lawyers is very difficult - this makes it even more important to remind ourselves of the priority we have set on pursuing diversity. Heather Decker is the chair of the Equality Committee and Dana Sullivan is the MBA Board liaison. If you have ideas on how we can improve our efforts to achieve greater diversity, please let them know.

I was not able to attend the first Convocation on Equality that was held 10 years ago. But I remember speaking with George Joseph, the Chief Judge of the Court of Appeals, about that convocation and the need for promoting diversity. George Joseph is no longer with us, but I know he would be supportive of the bar's continued efforts to increase diversity in the legal profession. If you care about this issue, I encourage you to attend this year's convocation and lend your voice to this important effort.

mba|CLE

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

OCTOBER

10.25 Tuesday Financial Statement Review and Accounting Issues

Sang Ahn
 Peter Kwong

10.27 Thursday Enforcing Oregon's Trust Deed Act: Nonjudicial Foreclosure from the Lender's Perspective

Pilar French
 Cody Hoesly

NOVEMBER

11.1 Tuesday Clark County Presiding Court Update

Judge Richard Melnick
 Don Jacobs

11.9 Wednesday Mergers & Acquisitions: Latest and Greatest Hits

Jeff Cronn
 Sam Orme
 Jon Summers

11.10 Thursday Basic E-Discovery Issues and Beyond

Elleanor Chin
 Blerina Kotori

11.30 Wednesday Child Abuse Reporting

Amber Hollister

DECEMBER

12.7 Wednesday 2011 Ethics Update

Mary Cooper
 Stacy Hankin

12.13 Tuesday Ethics: Attorney's Duties to Third Parties

Mark Fucile
 Helen Hirschbiel

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mba|EVENT

MBA Absolutely Social

The Grape Escape
 featuring Wine Tasting

October 27, 5-7 p.m.

The University Club

Drop in after work and catch up with friends
 and colleagues.

See insert for details and to RSVP.

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DEADLINE for ads: The 12th of the month*

*or the preceding Friday, if on a weekend.

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Calendar

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

OCTOBER

10.6 Thursday
MBF CourtCare Celebration & Social
 See details below

10.7 Friday
Civil Case Management Brown Bag
 See p. 8 for details

10.10-21 Monday-Friday
RCL Portrait Design Picture Appointments
 Call RCL at 800.580.5562 to schedule an appointment

10.20 Thursday
YLS Drop-in Social at On Deck
 See p. 10 for details

10.22 Saturday
OGALLA 20th Annual Dinner & Silent Auction
 Email info@ogalla.org for details

10.25 Tuesday
Pro Bono Fair & Reception at World Trade Center
 See Announcements on p. 4 for details

10.27 Thursday
MBA Absolutely Social at University Club
 See insert for details

10.28 Friday
 Pro Bono CLE & Clinic – Wills & Directives
 Call 503.224.4086 for details

CEJ LAF-OFF at Mission Theater
 Visit www.cej-oregon.org for details

NOVEMBER

11.1 Tuesday
MBA East County Social
 5-6:30 p.m.
 RSVP carol@mbabar.org

11.2-4 Wednesday-Friday
 OSB PLF CLE – Learning the Ropes
 Visit www.osbplf.org for details

11.4 Friday
Convocation on Equality
 See p. 5 for details

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

Foundation CourtCare Celebration and Social

Don't miss the celebration! October 6, 5-6:30 p.m. at Markowitz Herbold. We'll honor CourtCare's 10th anniversary, founders and volunteers; recognize donors; introduce this year's grant recipients; and offer a sneak peek at the new video series, created in partnership with MetroEast Community Media. RSVP to Pamela Hubbs at 503.222.3275 or pamela@mbabar.org.

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2011 MBA Annual Report at www.mbabar.org

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Mention your MBA Membership to Receive a Premium Discount!

Ethics Focus

J'accuse! Threatening Criminal Prosecution

by Mark J. Fucile
Fucile & Reising

Scenario 1

You represent Local Company that just discovered that its bookkeeper, Weasel, is an embezzler. Local Company sued Weasel to recover the funds. Can you tell Weasel's lawyer that you'll go to the DA if Weasel doesn't return the money?

Scenario 2

You represent Local Company in a contract dispute against Smoke Stack. When you're at Smoke Stack to take depositions, you see its employees pouring radioactive waste into the storm drain, which is a crime around here. Can you tell Smoke Stack's lawyer that you'll go to the DA if Smoke Stack doesn't settle the contract case?

"These two scenarios illustrate ... threats that lawyers can and cannot make in Oregon...."

These two scenarios illustrate, respectively, threats that lawyers can and cannot make in Oregon matters under RPC 3.4(g), which reads:

"A lawyer shall not ... threaten to present criminal charges to obtain an advantage in a civil matter unless the lawyer reasonably believes the charge to be true and if the purpose of the lawyer is to compel or induce the person threatened to take reasonable action to make good the wrong which is the subject of the charge."

In Scenario 1, the threat is permissible because it is intended,



in the words of the rule, "to make good the wrong which is the subject of the charge." By contrast, the threat in Scenario 2 is impermissible leverage to settle an unrelated matter.

When Oregon adopted the former Disciplinary Rules in 1970 they were based on the ABA's Model Code of Professional Responsibility. Like the ABA Model Code, the Oregon DRs contained a prohibition on threatening criminal prosecution "solely" to gain an advantage in a civil matter - DR 7-105(A). In 1984, the bar argued in *In re McCurdy*, 297 Or 217, 220, 681 P2d 131 (1984), that any "mention of criminal penalties in the context of a demand letter implies a threat of criminal prosecution which constitutes a per se violation of DR 7-105(A)." The Supreme Court rejected the bar's position (and dismissed the case), finding that the bar had to prove a specific intent to improperly threaten criminal charges. In 1986, DR 7-105(A) was amended to drop the word "solely" - effectively creating the "per se" prohibition the bar had argued unsuccessfully for in *McCurdy*. In 1991, DR 7-105(A) was amended further to create a narrow exception: "A lawyer may threaten to present such charges if, but only if, the lawyer reasonably believes the charge to be true and if the purpose of the lawyer is to compel or induce the person threatened to take reasonable action to make good the wrong which is the subject of the charge."

When we moved to professional standards based on the ABA Model Rules of Professional Conduct in 2005. The ABA Model Rules, however, don't have a specific rule on threatening criminal prosecution. ABA Formal Ethics Opinion 92-363 notes (at 2; citation omitted) that when the ABA replaced the Model Code with the Model Rules in 1983, the drafters felt that more general rules on litigation conduct adequately addressed such threats: "The deliberate omission of DR 7-105(A)'s language or any counterpart ... rested on the drafters' position that 'extortionate, fraudulent, or otherwise abusive threats were covered by other, more general prohibitions in the Model Rules and thus that there was no need to outlaw such threats specifically.'" Oregon, however, retained its version of DR 7-105(A) in the form of RPC 3.4(g).

Under our rule, the fact that no settlement was completed is irrelevant (*see In re Charles*, 290 Or 127, 130, 618 P2d 1281 (1980)). It is also irrelevant that the lawyer who made an improper threat actually went to the authorities (*see In re Lewelling*, 296 Or 702, 704, 678 P2d 1229 (1984)). Similarly, it is irrelevant that the other party's conduct may, in fact, violate the law if the connection required in the exception isn't present (*see In re Huffman*, 328 Or 567, 570-71, 983 P2d 534 (1999)). In short, our rule includes both a very broad prohibition and a very narrow exception.

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

Changes to the MBA Newsletter and Web Site

by Judy A.C. Edwards
MBA Executive Director



You may have noticed changes to the *Multnomah Lawyer* the last two issues. We have added "full color" to some pages to allow color photographs.

Although this is an experiment, we hope that members find it pleasing and tell us they want us to continue this improvement. Other newsletter changes include incorporating the new, updated MBA logo and design elements to enhance the overall appearance of the newsletter.

The paper, or "stock" as they say in the printing trade, changed from 60 lb. recycled to 40 lb. non-recycled. While we would prefer to continue using recycled paper, it is no longer available from the Northwest. Two recycled paper companies went out of business

midyear because of lack of capital financing. With just a few days' notice, they were forced to close their operations. The press used for the newsletter uses rolls of paper; it is not sheet-fed. While offices can still get recycled paper for copying, we would have to purchase paper rolls from China or the Midwest. Which then is more environmental, shipping paper from outside the area, or using a lesser quality paper that is made locally, has minimal environmental impact and can be recycled? The ink is zero VOC.

mba | ANNOUNCEMENTS

2011 MBA Annual Report

The 2011 annual report is available at www.mbabar.org. Please take a few minutes to read through it, with particular focus on what the MBA and YLS committees and the Multnomah Bar Foundation have accomplished.

YLS News has New Location

Win a Prize! Look for all things YLS in the new combined CLE and YLS insert. Until now, you have found YLS on p. 10. Go to the CLE and YLS insert to read all about what the section is up to. If you are a YLS member and the first to answer the following question, you will be treated to a \$25 lunch gift certificate to the place of your choice. Who was the third YLS president and what years?

Take a Matter that Matters

Sign the MBA 2011 Pro Bono Pledge at www.mbabar.org/probono.htm and commit to taking at least one pro bono case this year.

Online Directory Photos to be Updated

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

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

Appointments are available October 10-21. Please call RCL Portrait Design at 800.580.5562 to schedule your appointment.

If you prefer to submit a photo, please email a 143 pixels tall x 107 pixels wide jpeg photo to kathy@mbabar.org.

Queens Bench News

The October buffet-style luncheon is at Trees Restaurant on Tuesday, October 11, 11:45 a.m.-1 p.m. Cost is \$14 at the door (cash or check). Avel Gordly will speak about her book, *Remembering the Power of Words: The Life of an Oregon Activist, Legislator and Public Servant*.

Get off the Bench: Wednesday Walks on the Waterfront, 12:10-12:50, meet at Salmon St. Fountain.

For more information on Queens Bench events, contact Vice President Christine Coers-Mitchell at coers@comcast.net.

Pro Bono Fair October 25 at World Trade Center

There will be CLE seminars beginning at 2 p.m., followed by a 5 p.m. award presentation and social at the World Trade Center. See p. 11 for more information.

Learning the Ropes November 2-4 at Oregon Convention Center

The OSB PLF sponsors its annual practical skills seminar for lawyers entering private practice in Oregon. Attendance at the full program satisfies MCLE requirements for new admittees' first reporting period.

Registration cost for the entire seminar is \$65; deadline is October 26. Information is available at www.osbplf.org.

OMA Conference November 4-5

Oregon Mediation Association's conference is November 4-5 at the Ambridge Event Center in Portland. For details, visit www.omediate.org.

MBA Noon Time Rides

Gather at SW Yamhill and Broadway between noon and 12:10 p.m. on Mondays and Thursdays. Contact Ray Thomas at 503.228.5222 with questions, or meet at the start.

An experiment with this issue is printing the CLE insert at the same time as the newsletter and on the same paper. The insert is now a combination CLE flyer and YLS newsletter. We are trying this because we can pull out the YLS news and feature it separately.

Watch for the launch of the new MBA Web site later this fall. We think you will like its new

design and functionality. There are thousands of pages of content on it currently, and we know it will grow each year.

Thank you for your membership and for being active in the legal community. Please send your comments, both positive and constructively critical to me at judy@mbabar.org.

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MBA Mentor Program
at www.mbabar.org

2011 Convocation on Equality

Oregon Convention Center, November 4

The 2011 Convocation on Equality is quickly approaching. On November 4, 2011, Oregon State Bar leaders, attorneys, members of the judiciary, and students will come together to celebrate the 10th Anniversary of the 2001 Convocation on Equality. This all-day event will take place at the Oregon Convention Center.



The 2011 Convocation will kick off with a keynote address by Paula Boggs, Executive Vice President, General Counsel and Secretary of Starbucks, and conclude with remarks by our very own Hon. Ellen Rosenblum, past chair of the ABA Commission on Ethnic

and Racial Diversity in the Profession. The conference will include three tracks of programming geared toward: 1) attorneys seeking to improve their own practical skills; 2) attorneys seeking to increase their own knowledge about diversity and inclusion or cultural competency; and 3) legal employers who seek to promote diversity and inclusion in the workplace.

While the first Convocation focused on issues of race and ethnic diversity within the bar's membership, this year's conference expands our understanding of diversity by exploring topics concerning

the lesbian, gay, bisexual, and transgender communities and persons who are disabled. The Convocation has many goals, including providing opportunities for networking and skill building; recognizing the more than 300 individuals in the Oregon attorney community who have contributed to efforts to achieve the goal of diversity and inclusion in the legal profession, and providing a forum for organizations that support our common goals and shared mission to provide information to attendees.

For more information, please go to <http://2011coe.wordpress.com/>. The program and registration will come on-line shortly.

We look forward to seeing you at the event!

webcheck Sign the Statement of Diversity Principles at <http://www.mbabar.org/diversity.htm>.

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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 the integrated MBA and OSB program as one program with one mentor. Or, you may participate in the MBA mentor program only.

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

New lawyers, who are in their first, second or third year of practice, whether or not they are signed up for the NLMP, may participate as mentees.

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. If you plan to be a mentor in the new NLMP, you must register online with OSB. You may have the same mentee for the MBA and NLMP.

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 to your MBA mentor.

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 networking and obtaining free CLE credit available exclusively to people participating in the MBA program. The MBA Mentor Program also has a more personalized match process.

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 – their 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. The form for mentors is due by October 14. The form for mentees is due by November 1.

To learn more about the OSB NLMP contact Kateri Walsh at the OSB at 503.620.0222.

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



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Professionalism among criminal law practitioners is essential to being an effective advocate, be it for the prosecution or the defense, as well as the administration of justice generally.

Defense lawyers who allow their zealous advocacy to blur their focus on professionalism can, as a result, provide less than effective representation. There is certainly merit to being a "true believer" and pursuing every possible defense. But it is a mistake to let that type of representation keep you from seeing both sides of a case. The most effective defense lawyers can look at a case not just from a defense perspective but also from a prosecution perspective. Decisions about whether to go to trial, how to negotiate a settlement, and what issues to raise on appeal are all made more clearly and effectively when the lawyer giving advice about those choices can see a case from both sides.

The vast majority of criminal cases are resolved through settlement. Maintaining one's professionalism, one's ability to cordially deal with the prosecution, often results in reaching a more favorable plea agreement for the client. There is truth to the saying about catching more flies with honey than with vinegar. And when cases do not settle, and proceed to trial, perception before the jury or the court is everything. Keeping focused on the line where zealous advocacy ends and less than professional behavior begins is paramount. Crossing this line before a judge or a jury can make the difference between having a case fairly considered and losing a case, and a client's freedom, for all the wrong reasons. Cases should stand or fall on facts, not because of the behavior of an attorney.

Prosecutors likewise must stay focused on the line between pursuing justice and

the emotionality that comes with any one particular case. Dealing with victims and their families can be extremely taxing and cause a prosecutor to lose sight of the need to remain professional throughout the course of a negotiation or a trial. Appellate decisions are replete with examples of prosecutors who, losing sight of professionalism, let emotion get the better of them in a case. Prosecutorial misconduct in argument, or in the context of discovery violations, lead to reversals which both delays and denies justice.

Whether on the side of the defense or the prosecution, there is no case that cannot be addressed while maintaining one's own professionalism. When both sides uphold the ideals of mutual respect, the client wins, the public wins, and justice is truly served.

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Jonnel Covault, *Moment's Rest*, 2004

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Around the Bar



Cathryn Ruckle

Troy & Rosenberg

Cathryn Ruckle joined the firm. Her practice areas include juvenile law, estate planning and other elder law matters.

Ruckle's experience includes juvenile court litigation, emphasizing dependency and termination of parental rights cases. She handles probate cases, specializing in guardianships and conservatorships, probate administration, will contests, trust administration and litigation.



Abby Wool Landon



Karen E. Hobson

Williams Kastner

The firm has added **Abby Wool Landon** as a member. Landon is an estate planning, wills and trusts, tax, business succession and probate attorney with extensive experience advising family businesses in various capacities. Experienced in multiple-generation trust and estate planning, she routinely handles matters pertaining to marital trust planning for clients with step-family issues.

Karen E. Hobson joined the firm as an associate, where her practice will focus on business transactions, estate planning and tax planning. She has experience with pre-formation planning, entity formation, corporate governance, mergers and acquisitions and contractual interpretation issues. She also advises on ERISA and employment issues.



Kathryn Smith Root

McKinley Irvin

Kathryn Smith Root, Partner in Charge at the firm, has been named vice-chair of the International Law Committee of the ABA Section of Family Law.



Peter Heuser

Schwabe Williamson & Wyatt

Peter Heuser, a shareholder, recently joined the board of directors of Planned Parenthood Columbia Willamette. Heuser focuses his practice in the areas of patent prosecution and litigation of patent, trademark, copyright, trade secret and cyber-squatting matters. He has represented both plaintiffs and defendants in jury trials.



Stephen P. Arnot

Greene & Markley

Stephen P. Arnot has joined the firm. He practices in the area of bankruptcy, creditors' rights and commercial law. He represents both debtors and creditors in California and Oregon and also serves as a court-appointed Chapter 7 Trustee for the District of Oregon.

Gevurtz Menashe et al

Robert Demary has been named a firm shareholder, where he will continue his family law practice handling divorce, custody and support cases.



Robert Demary



Jill R. Long

Lane Powell

Counsel to the firm **Jill R. Long** was recently named a board member of the Third Rail Repertory Theatre. She is actively involved in Portland's arts community, including currently serving on the Executive Committee of Oregon Children's Theatre and as former chair of its board.

Long focuses her practice on obtaining land use entitlements for retailers, developers and property owners.



Loren Podwill

Bullivant Houser Bailey

Loren Podwill, a shareholder, has been elected to a three-year term on the ABA Tort Trial and Insurance Practice Section Council.



Rob Kline

Kline Law Offices

Rob Kline has been elected to the Board of Governors of the Oregon Trial Lawyers Association. Kline's practice emphasizes plaintiff's personal injury law.



Joshua Kadish

Wyse Kadish

Joshua Kadish, a partner, is the 2011 recipient of the Sidney Lezak Award for Excellence in Alternative Dispute Resolution. The award, given by the OSB ADR Section, recognizes Kadish's role in developing the field of mediation in Oregon over the past 30 years.

He began mediating as part of his family and estate planning practice in 1983, has written the OSB's standard reference articles on Family Mediation, Prenuptial Agreements and Marital Settlement Agreements, and has taught mediation and negotiation at Lewis & Clark as an adjunct professor for more than 20 years.

Josh is a past director of the Oregon Mediation Association, former chair of the OSB ADR section, and has been instrumental in developing the Multnomah County Circuit Court probate mediation program.

Miller Nash

Elizabeth Tedesco Milesnick has joined the firm. Her nine-year legal career has emphasized intellectual property litigation, particularly patent and trademark infringement. Recognizing her knowledge and skill in the area, the U of O School of Law appointed her as an adjunct instructor to teach patent law and policy.



Mark Johnson Roberts

Mark Johnson Roberts

Roberts spent half of the summer in Shanghai, China, where he completed the coursework for his L.L.M. in Transnational Law. Willamette University College of Law conferred the degree in August.

Daily Journal of Commerce Recognizes 2011 Up & Coming Lawyers

MBA members who were honored include: James Bruce • Maya Crawford • Kieran Curley • Courtney Dippel • Ben Eder • Amy Edwards • P.K. Runkles-Pearson • Damien Hall • Katie Jeremiah • Cashauna Hill • Katie Johnson • Craig Leis • Jessica (Shoup) McConnell • Parna Mehrbani • Valerie Sasaki • Andrew Schpak • Christine Uri

The honorees will be recognized during an awards dinner on November 17, 4:30-7:30 p.m. at The Nines hotel. The evening also will feature the presentation of the DJC's Unsung Heroes awards, which recognize local firms' outstanding support staffers such as paralegals and law librarians. For additional information, visit www.djcoregon.com/events.

Notice to Pro Tem Applicants

The MBA Judicial Screening Committee reviews applications for pro tem and full-time judicial candidates for Multnomah County. The committee meets the third Tuesday of each month, typically September through June.

Pro tem renewal candidates are asked to submit their applications at least four months in advance of the expiration date of their current appointment. There are two forms for pro tem candidates to complete; both may be obtained by visiting www.mbabar.org/documents.htm or by emailing Carol Hawkins at carol@mbabar.org.

The committee must have sufficient time to process the applications. The committee's recommendations and the completed applications are then sent to the presiding judge, who forwards the information to the Oregon Supreme Court for review at one of its regular meetings.

Tips From the Bench

Opening Doors - Expedited Civil Jury Trials and Other Jury Trial Innovations

by Judge Stephen K. Bushong
Multnomah County Circuit Court

I recently attended a national conference on jury trials sponsored by the American Board of Trial Advocates (ABOTA). The conference reminded me of some old songs by The Doors. I'll explain in a moment. The ABOTA conference addressed four main subjects: (1) improving access to jury trials; (2) improving juror satisfaction through jury innovations; (3) reducing the cost of jury trials; and (4) improving the public's perception of the jury trial. Based on what I heard at the ABOTA conference, Multnomah County Circuit Court is at the forefront of a nationwide effort to improve the jury trial system. The main improvements discussed at the conference were:

Expedited Civil Jury Trials. Oregon's expedited civil jury trial system, described in UTCR 5.150, was touted as a model for similar systems under consideration across the country. The system is designed to improve access and reduce costs by having a streamlined fast track to trial for certain civil cases. Surprisingly, this model program has been rarely used; only six cases have been designated for the program in Multnomah County so far.

Differentiated Case Management. The basic concept is to improve efficiency and reduce costs by applying different sets of case management rules and principles to different types of cases. Oregon's Complex Litigation Court, described in UTCR 23.010, et seq., and the Expedited Civil Jury Trial system are two types of differentiated case management approaches. In 2008, Multnomah County adopted "Recommended Practices for Civil Jury Trials in Multnomah County Circuit Court," and the court is currently evaluating new civil case management ideas in an effort to further improve case management practices.

Proportionality in Discovery. The "proportionality" principle is designed to reduce the cost of litigation. The basic idea is that the scope and burdens of discovery should be proportional to the amounts and issues at stake in any given case. Formal adoption as a governing rule of discovery would probably require an amendment to ORCP 36, but the principle can be implemented in practice by judges and/or parties by agreement.

Juror Questions. This "innovation" was a hot topic of discussion at the ABOTA conference, but it has been implemented in Oregon for many years. ORCP 58 B(9) authorizes courts to allow juror questions, and the process is described in UCJI 5.01. Allowing juror questions



is one of Multnomah County's "Recommended Practices." Most judges in this county allow juror questions in all civil (and many criminal) cases.

Preliminary Jury Instructions. Some judges give preliminary instructions at the beginning of trial on procedures, evidence and witness testimony, the main issues to be addressed at trial, and the basic legal principles jurors will need to apply during deliberations. The practice is intended to improve juror comprehension and satisfaction, help trial lawyers focus their presentations, and improve the litigants' overall satisfaction with the jury trial system. Giving preliminary jury instructions is one of Multnomah County's "Recommended Practices."

The late Jim Morrison, lead singer and songwriter for The Doors, wrote, "The future's uncertain and the end is always near." Given the state's precarious financial situation, the future of civil jury trials in Oregon may be uncertain, but the end of the jury trial system need not be near. Using Oregon's landmark expedited civil jury trial system will help. In addition, lawyers and judges should apply the discovery and case management principles and other innovations described above. And we all must work to improve the public's perception of the jury trial system if we want to preserve it as a mechanism for resolving civil disputes.

At the end of a trial, I often ask jurors if they thought the experience was worthwhile. They almost always say "yes." So I ask them to tell their friends and family about their experience and the importance of jury service. Lawyers can help, too. The public's perception of the jury trial system will not improve if lawyers denigrate the system, scaring clients with tales of unpredictable "runaway" juries. Most studies have shown that the great majority of jury verdicts are consistent with how the trial judge thought the case should be decided. So don't tell clients that juries are irrational and cannot be trusted. "You know that it would be untrue."

News from the Courthouse

Presiding Judge's Report and Courthouse Update

Judge Nan Waller, Deputy Presiding Judge, gave the report.

eCourt

The eCourt system will bring better access to court services and information. It will make lawyers' work more efficient through eFiling of documents and web-based access to many types of court documents. Case event information and most documents will be accessible online to the parties.

The continued reduction in court staff due to declining budgets makes implementation of eCourt even more imperative. Multnomah County's tentative implementation of eCourt is scheduled for late 2013 and civil matters will be first. Next will be domestic relations, followed by criminal. It will take about a year to fully implement eCourt, which will replace OJIN and allow for eFiling and other system improvements.

Budget

Circuit court operations funding has been cut 11.5% statewide. Part of this reduction is the elimination of 34.5 permanent positions in Multnomah County. Of the cut positions, three were manager positions and 3.5 were referees sitting as judges pro tempore in adult preliminary criminal proceedings. Overall, about 10% of total operations staff positions have been eliminated. It is expected that there will be further reductions in circuit court resources after the February 2012 legislative session. The legislature directed the Governor and the Chief Justice to spend 54% of their funding for a two-year period in the first year. If the state revenue forecasts continue to be negative for the current biennium, there may be as

much as 7% more in cuts required to balance the remaining funds for the second year of the biennium.

There are extreme customer service issues now due to the reductions in court operations staff. In addition to the permanent reductions in staff positions, expenses were also reduced by the Chief Justice, including mandatory furlough days, employees paying for part of their health insurance and adjustments on employee compensation.

Circuit Court Closed on 9 Fridays

The Chief Justice has ordered the courts to close for nine Fridays: November 25, 2011; March 23, May 25, August 17, October 19 and November 23, 2012; January 18, April 19 and May 24, 2013. These closed days will cover most of the mandatory furlough days for court staff.

On the closed Fridays, the courthouse will be open and the DA's office will be conducting business, but no court staff will be present and all functions of the Trial Court Administrator's office will be closed. Judges will be working in chambers without staff. Settlement Conferences may take place on the closed days, but cannot be put on the record or filed until the following Monday. Filings due in any action on a court closure date will have the filing due date extended, in the same manner as for a holiday, to the next business day.

East County Courthouse Gresham

While the Gresham building is going forward and will open next March, the legislature has not yet funded furniture, equipment or additional staffing for the building. At least \$835,000 is needed just to buy the furniture and equipment.

New Fee Structure

The fee structure changes on October 1. With these changes, the legislature established a uniform fee for the state. There are no more local adjustments. Legal aid, domestic relations conciliation services and law libraries are no longer funded with filing fees assessments. These programs will now be paid from the general fund. The new structure will take effect for actions filed on or after October 1, 2011. Review the changes in chapter 595 Oregon Laws 2011 (HB 2710). The final court fee schedule is available on the MBA and court Web sites. The changes are significant, numerous and cannot be recited here.

With this new fee revenue structure, which cuts programs off from direct funding through filing fees, legal aid receives less funding and must conduct layoffs. 15-20 positions in Multnomah County were cut. Every program (legal aid, conciliation services, law libraries, etc.) formerly funded from case filings, must now appear before Ways and Means each biennium to be considered for funding.

SLR Changes

For civil cases filed on or after February 1, 2012, there will be a different case management environment under proposed new rules. Under the proposal, a motion judge will be assigned to each case very early in the life of the case; parties will select trial dates at trial readiness conferences and cover sheets will be required on all new complaints. The SLRs are up for final approval by the UTCR Committee in October.

There is a presiding judge's brown bag on Friday, October 7, in courtroom 208 to discuss these changes. Please plan to attend.

Legal Aid Needs Your Help

September 8 marked the official kick off of the Campaign for Equal Justice's annual fund drive, which runs through February. The annual awards luncheon is February 8, 2012 at The Governor Hotel.



Legal aid programs statewide are bracing for a 16% reduction in staff, or the equivalent of about 30 FTE. According to Tom Matsuda, Director of Legal Aid Services of Oregon, "This comes at a time when Oregonians are still reeling from the economic crisis, and we continue to see increases statewide in the frequency and severity of domestic violence, and problems relating to housing - primarily foreclosure - and unemployment benefits." Even before the recession, studies

showed that Oregon's programs had funding to meet less than 20% of the legal needs of the poor.

The funding cuts are due to a 75% decrease in IOLTA funding plus decreases in federal funding, state general fund revenue and a loss of foundation support due to the economic downturn.

According to Charlie Williamson, President of the Oregon Law Foundation, "Because of low interest rates, we saw a drop in IOLTA revenue from a high of \$3.6 million a year to a predicted \$900,000 next year. Most of that money goes to legal aid." Lawyers can help by continuing to give generously to the campaign in support of legal aid, by doing pro bono work through legal aid's

Volunteer Lawyers Project, and by banking at leadership banks - those paying the highest IOLTA interest rates.

About 20% of Oregon's lawyers give to the campaign. The campaign was started by Oregon lawyers in 1991 to support legal aid. Over the past 20 years, the



Barry Caplan, Merv Loya and Hon. Ellen Rosenblum

campaign has raised \$20 million for legal aid, and this year hopes to raise \$1.2 million. More than 60% of the money raised comes from MBA members.

Part II - The Professional Development Plan

by Hon. Adrienne Nelson

Judge Nelson gave the following presentation to the Queen's Bench. This is the second half of the presentation, which started in September.

Through my experience with self-awareness, I came up with a 10-step professional development plan I would like to share with you, but with these disclaimers: it is an evolving plan, the steps don't have to occur in order, the plan is not a "one-size fits all" - it is just what has worked for me!

Step 1 - Take charge of your own life. It's the responsibility of each of us to take steps to increase our insight, plan our own future, assess our career and professional growth, focus on our targets and goals and set professional standards. Going hand in hand with that, our standards are reflected in how we treat other people. By acting ethically and treating others with respect, you will earn other people's admiration, make others want to work with you and encourage others to follow your lead.

Step 2 - Identify what stage you are in for your professional development - the early-career stage, the mid-career stage, or the late-career stage.

- The early stage of your career is when you first enter the profession or a new job within the profession. This is where you will need the most professional development in the most areas.
- The mid-career stage is when you are established as a

contributing member of the professional community with a unique identity. At least one area of expertise is developed during this stage and your professional identity is established through your work on projects, committees and special assignments. Often you are involved in organizations and associations in the professional community, ultimately chairing a committee and taking on leadership roles in them. Professional development continues in this stage, but becomes more focused.

- The late-career stage is when you take on increasing responsibility, either formal or informal, for developing others in organizations and the workplace until you play a key role in shaping the future by "developing" people, programs and ideas. Often you have developed a distinct competence in several areas of expertise and have a regional or national reputation. You can be a catalyst for change and are capable of exercising formal and informal influence in the decision-making process. Professional development occurs in this stage but may change depending on your evolving roles.

Step 3 - Identify the motivators driving your professional development activities - for example, widening a client base, becoming a partner with your firm, developing an area of expertise or gaining broader influence in the community. Write them down so they can be added to your action plan.



Step 4 - Verbalize your professional development goals. Clearly and concisely state your long-term professional goals. Examples of professional development goals might be to gain knowledge and skills necessary to work more effectively with a business or an organization, expand expertise in litigating cases or develop a personal brand. First, be sure your goals are so clear that you will know when or whether you have accomplished them. Second, write them down. Give your goals top priority by keeping them visible to you every day - either at work, at home or at both. You may also wish to carry them with you.

Your accomplishment will be determined by your ability to direct your day-to-day actions toward clearly defined, measurable goals. Success does not come from plans; it comes from accomplishments!

One of the most frequent reasons for not setting goals is the conscious or subconscious fear

Continued on page 11

2012 MBA Membership Renewal is Underway

Fall has arrived, and so too has the time to renew your MBA membership for 2012. To continue to receive the wide range of benefits the MBA provides, please take a few moments to renew online at mbabar.org. Here are just a few reasons to continue your membership:

- ❖ Excellent, convenient and reasonably-priced seminars and downloadable MCLE content;
- ❖ Socials, volunteer opportunities and committees that provide rewarding ways to network with other attorneys;
- ❖ Resources such as the *Multnomah Lawyer*, the ENEWS and Web site keep you up-to-date with news, events and a member directory;
- ❖ Exclusive member discounts from LexisNexis, UPS, Legal Northwest, Office Depot, Bank of the Cascades, and others; and
- ❖ Comprehensive, member-negotiated group health, life, long-term care and disability insurance plans structured specifically for lawyers and firms.

Please include a donation to the Volunteer Lawyers Project and Multnomah Bar Foundation when you pay your 2012 dues.

For further information, please call 503.222.3275.

MBA Member Enhances CourtCare



Kudos to Markowitz Herbold Glade & Mehlhaf shareholder Jeff Edelson, who contributed to the CourtCare renovation project by building a ball drop game. From what we hear, it is a big hit with the kids.

by Judy A. C. Edwards
MBA Executive Director

The LGBT Bar Association of Oregon will celebrate its 20-year history, and the great strides made in building inclusion and reducing prejudice against the lesbian, gay, bisexual and transgender community, on October 22 at the Vintage Plaza Hotel.

In 1991, following passage of the 1988 anti-gay Oregon ballot measure 8, later declared unconstitutional by the Oregon Court of Appeals, Mark Johnson wrote that "Gays, lesbians and bisexuals understood that together we would make a difference. Basically, the time had come for OGALLA." Seventeen Oregon lawyers who attended Lavender



Law I in San Francisco, the first national legal conference for LGBT equality, came back "determined to create a statewide legal organization dedicated to our community's professional, educational, political and social needs," according to OGALLA's historical documents.

Since its first formation meeting February 26, 1990 with 30 people attending, and the organization's constitutional meeting January 18, 1991, the membership has grown and the organization has created a number of initiatives. One is its Judicial Endorsement Committee which provides feedback on judicial candidates to the Governor. Other efforts include working with Basic Rights Oregon to get the word out on Oregon's nondiscrimination law, passed in 2007, which prohibits discrimination on the basis of sexual orientation or gender identity.

OGALLA routinely presents at meetings for high school students and their parents on how much better the world is now and about our openly gay and lesbian judges on Oregon's Supreme Court and Court of Appeals and Circuit courts and increased diversity throughout law firms and law schools. "Sometimes the most important thing is spreading the

OGALLA The LGBT Bar Association of Oregon Celebrates 20th Anniversary

good news. So many kids and their parents are struggling with fear," said Sarah Adams, Chair of the LGBT Bar Association of Oregon.

The organization works closely with Oregon Safe Schools and Communities Coalition, focusing on Oregon's recently amended anti-bullying law, helping implement the law and giving information to youths about their rights and to schools about their responsibilities. Another ongoing project is an online lawyer referral directory, a list of LGBT friendly legal professionals throughout the state, organized by practice area.

Membership in OGALLA is open to everyone, regardless of sexual orientation or gender identity, including all legal professionals and law students. "We've always been committed to keeping membership dues as low as possible and we have a low-income rate. Currently dues are

\$60, and \$15 for people earning less than \$40,000," says Adams.

The annual dinner has traditionally been a fundraiser for the Bill and Ann Shepherd Legal Scholarship, which is part of the Equity Foundation. The Shepherds formed the fund in 1977 to provide assistance to law students, in their final year of law school, who have a demonstrated commitment to equal rights for LGBT individuals. All proceeds from the silent auction at the upcoming October 22 annual dinner will go to the scholarship.



*Sarah Adams,
LGBT Chair*

Sponsors include many Oregon law firms and businesses. Some of Oregon's most prominent attorneys were Shepherd scholars.

"We continue to foster inclusion and connection instead of division ... People's happiness is what it comes down to," concluded Adams. Other board members include Christie Martin, Vice Chair; Christopher Wright, Treasurer; Christopher Allnat, Secretary; Emilie Edling, Diversity Representative; Bethany Coleman, Kevin Clonts and Heidi Wong, Student Representative.

To RSVP for the 20th Annual OGALLA Dinner & Silent Auction, visit <http://www.ogalla.org/> or send questions to info@ogalla.org. Individual tickets are \$95; a 10-seat table sponsor is \$950. Reception, jazz and the silent auction begin at 5 p.m. The dinner and program start at 7. The keynote speaker is Hon. Janice Wilson, Multnomah Circuit Court and the honoree will be Hon. Lynn Nakamoto, Oregon Court of Appeals.

webcheck

Attend Convocation on Equality November 4. Info at <http://osbdiversity.homestead.com/Events.html>

New Location for YLS News

Please go to the new combined CLE and YLS insert to read all about the YLS and what it is doing. Prize for a YLS member: The first YLS member to find the question in Announcements and the answer in the insert wins a \$25 gift certificate for lunch at a place of his or her choice. Send to judy@mbabar.org.



2012 MBA Professionalism Award Nominations Due November 4

The MBA Professionalism Award is one of the most highly regarded honors an attorney in our area can receive. Do you know a lawyer who is a pleasure to work with as both an ally and an adversary, who regularly goes well beyond minimum ethical and professionalism standards, who constantly mentors others and works to improve the quality of our practice as a whole? We strongly encourage you to nominate him or her for the 2012 MBA Professionalism Award. Any MBA practicing attorney member, except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award.

Past esteemed recipients include Raymond Conboy, Thomas H. Tongue, Randall

B. Kester, Frank Noonan Jr., Donald W. McEwen, Don H. Marmaduke, Noreen K. Saltveit McGraw, Thomas E. Cooney, John D. Ryan, George H. Fraser, Barrie Herbold, Walter H. Sweek, Daniel E. O'Leary, Mark R. Wada, Sandra A. Hansberger, Robert C. Weaver, Walter H. Grebe, Susan M. Hammer, Carl R. Neil, Jeffrey M. Batchelor, Judy D. Snyder, Garry L. Kahn and Michael D. Schrunk

Former nominees may be and often are re-nominated. To propose an outstanding attorney for this year's award selection process, please complete and return the nomination form available at www.mbabar.org or contact Kathy Modie, Professionalism Committee staff liaison, kathy@mbabar.org for more information.

MERS in Oregon: National Registration System Questioned in Oregon Courts

by James C. Reinhart and Ivy Grey
Davis Wright Tremaine

Mortgage Electronic Registration Systems (MERS) is the central electronic clearing house for the mortgage financial industry. The system tracks loans that may be sold and assigned numerous times after inception. MERS was intended to facilitate a more efficient market for transfers of mortgages, reduce costs and avoid confusion. In theory, with MERS as nominal beneficiary, transfers within the MERS system need not be recorded locally.

“MERS was intended to facilitate a more efficient market for transfers of mortgages....”

The MERS problem arises when a lender attempts to non-judicially foreclose under the Oregon Trust Deed Act (ORS 86.705). In *Hooker v. Northwest Trustee Services*, 2011 U.S. Dist. Lexis 57005, *8-10 (D. Ore. 2011), Judge Panner states that when MERS is merely the lender's agent or nominee, but not the true beneficial holder of the loan, any transfers between

beneficiaries must be recorded in the local public records. Judge Panner reviewed internal MERS reports and determined that its system was insufficient to comply with Oregon law because the Oregon public records were silent as to the transfers.

Hooker refers to *McCoy v. BNC Mortg., Inc.*, 2011 Bankr. LEXIS 534 (Bankr. D. Or. 2011). In *McCoy*, a Chapter 13 debtor claimed wrongful foreclosure in an adversary proceeding. Judge Alley found that “[T]he powers accorded to [beneficiary] by the Lender ... cannot exceed the powers of the beneficiary. The beneficiary's right to commence a non-judicial sale is limited by ORS 86.735. A non-judicial sale may take place only if any assignment by [the Lender identified in the Trust Deed] has been recorded.” He reasoned that “Oregon law permits foreclosure without the benefit of a judicial proceeding only when the interest of the beneficiary is clearly documented in a public record. When the public record is lacking, the foreclosing beneficiary must prove its interest in a judicial proceeding.”

Until the law is clarified, some Oregon courts seems

to require that every time the Trust Deed changes hands, an assignment must be recorded before commencing non-judicial foreclosure. A non-judicial foreclosure sale is arguably void if any transfer documents were not recorded. If any assignments are missing from the public record, it may be necessary to proceed with a judicial foreclosure.

While many disagree with *McCoy* and *Hooker*,

“Foreclosing with a gap in the recorded beneficial ownership may prevent bona fide purchaser status.”

the consequence of ignoring them may make the property unmarketable. Foreclosing with a gap in the recorded beneficial ownership may prevent bona fide purchaser status. Therefore, it is possible that title insurance obtained based on a blemished foreclosure sale will include exceptions based on the lack of recorded assignments, or may not be available at all.

On Thursday, October 27 the MBA is hosting a two-hour CLE seminar: Enforcing Oregon's Trust Deed Act: Nonjudicial Foreclosure From the Lender's Perspective.

For more information see the insert in this issue or visit the CLE page of the MBA Web Site: www.mbabar.org.

Golf Results MBA Family & Friends, McMenamins Edgefield

The Family & Friends golf outing brought experienced golfers, beginners and non-golfers alike out for an afternoon of sunshine, fun and pitch and putt golf, followed by food, drink and prizes.

Thank you “Fun” judges Hon. Mark Gardner, Crunchy Blackhurst and MBA President Steve Blackhurst for your good humor and keen eyes; Aruna Masih, Kim Sugawa-



Judy Edwards with Fun Judges Steve Blackhurst, Crunchy Blackhurst and Judge Mark Gardner

Fujinaga and Bill Walsh from co-sponsor Oregon Women Lawyers Foundation, for running the putting contest and donating prizes; Prize Sponsors Tammy Aufdermauer and David Pearce, Aufdermauer Pearce Court Reporting, for fabulous prizes for both skill and fun categories; face painter Katy Jorgensen; and everyone who helped make this event a success! More photos at www.mbabar.org/committee-golf.htm.

- First place team** – Shemia Fagan, Richard Maughan, Tammy Aufdermauer, David Pearce
- Putting contest** – Tammy Aufdermauer, Dave Mueller
- First place** – Shemia Fagan, Jason Wood
- KP** – Liz Rhode Motley, Devin Koch
- Most Colorful Attire** – Shemia Fagan, David Pearce
- Most Creative Swing** – Liz Rhode Motley, David Bean



Putting contest pros



David Bean doesn't need to use his words



In court, being loud isn't the same as being prepared. Jurors might find theatrics and exuberant posturing amusing. But in the end, better arguments prevail.

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Oregon Women Lawyers Fall Conference Features Anita Hill

October 14, Governor Hotel

This year's Oregon Women Lawyers (OWLS) Fall Conference will feature Professor Anita Hill as its keynote speaker. Almost exactly 20 years after she courageously testified at the confirmation hearing of Supreme Court Justice Clarence Thomas, she will address the conference and serve on a panel with Multnomah County Circuit Court Judge Adrienne Nelson and Diane Schwartz Sykes, head of the Oregon Department of Justice Civil Rights Division.

The conference, "Diverse Perspectives: Bringing the Legal Profession into the 21st Century," will be held Friday, October 14

at 1:30 at the Governor Hotel. A reception and book signing with Professor Hill will follow the afternoon program. Her new book, *Reimagining Equality: Stories of Gender, Race and Finding Home*, will be released October 4, with copies available for purchase at the reception. Registration is available online at oregonwomenlawyers.org.

Professor Hill is currently at the Heller School for Social Policy and Management at Brandeis University in Boston. Her autobiography, *Speaking Truth to Power* in 1997 chronicled her experience during the Thomas confirmation



Anita Hill

hearing, during which she testified on national television.

With over 1,400 members around the state, OWLS' mission is to transform the practice of law and ensure justice and equality by advancing women and minorities in the legal profession. OWLS is the third largest bar organization in the state.

Hon. Adrienne Nelson The Professional Development Plan

Continued from page 9

of failure. If you don't set goals, you can't fail. Not so - the clearest failures of the future will be those who can't move ahead, can't risk. In a rapidly changing society, no career can stand still for long. Even if you're on the right track, if you're not moving forward you'll be run over.

Step 5 - Select appropriate professional development opportunities.

For each professional development goal, list those professional development opportunities you wish to pursue that will assist you in reaching those goals. For example, take a CLE, speak at an event, go to a networking session. It is up to you.

Step 6 - Engage in mind, body and spirit stretching.

In this step it is important to recognize that personal growth requires new experiences for mind, body and spirit. Branch out into interdisciplinary approaches in learning and living. Develop new linkages with people, organizations and activities that develop new insights and experiences. This takes an experimental attitude, which will involve risk.

Step 7 - Inventory your life.

Periodically inventory your capabilities, desires and resources. Review the constraints on your life as well as your achievements.

Conduct an annual personal performance review.

Step 8 - Write a personal mission statement.

Writing a personal mission statement may seem time consuming or irrelevant, but it is a way to add meaning to all of the work that you do and gives you focus. Here's what I know: when you have a better understanding of why you are here and what your purpose is, you can develop realistic goals and valuable long-range goals (10 to 20 or more years.) Long-range goals can then be divided into short-term goals (one to five years) and supported by tasks (daily, monthly, yearly).

Step 9 - Develop an action plan.

In any integration of a career and personal growth, each of us needs an action plan that involves setting targets and reexamining our lifestyle to determine if it contributes to our goals. This action plan reviews past learning experiences and develops lifelong learning goals for personal education experiences, challenges and opportunities.

Step 10 - Plan for support, review, and evaluation.

Identify and value the support of significant others in your life: those friends and colleagues who can give feedback on behavior, competencies and limitations to help you better understand how to market yourself and meet the needs of others. Evaluate new directions to assess their meaningfulness and satisfaction. Build spontaneous celebrations

of achievement and successes into life to reinforce the value of continuous growth. This step helps you to "stay on track."

Benefits of a Professional Development Plan

A professional development plan provides a system and process that can help you plan for the future. It:

- Helps determine where you want to go and what you need to do to get there.
- Provides an opportunity to discuss professional development goals with colleagues who can offer ideas, support and feedback.
- Reinforces the concept of "everything's possible" and that goals aren't overwhelming if tackled step-by-step. The plan makes goals manageable
- Assists you in preparing information and plans for annual performance appraisal, honors and awards, professional leave, and building your resume and curriculum vitae.
- Helps you determine needs for in-service training and professional development.
- Assists you in planning for future career opportunities.

Conclusion

I hope that I have encouraged you to develop or refine your professional development plan. Living successfully is an opportunity to make change. Take the responsibility seriously. Know the road you travel will be often filled with difficult choices. Rise to the challenge knowing that you have everything inside you to be successful.

Golf Results Riverside Golf and Country Club, June 21

First place team – John Davenport, Brent Summers, Dan Vidas and Steve Werts

MBA Golf Clinic and Networking Event, RedTail

The MBA, Oregon Society of CPAs and Oregon Bankers Association joined forces to offer a golf clinic and networking event at the end of summer. The evening was for golfers of all levels of experience and brought attorneys, accountants and bankers together to practice on the driving range, spend some time with a pro and work with a Trackman golf aid. This after-work event included appetizers and an opportunity to network and socialize in a relaxed setting.



Ramón Pagán receives a tip from the pro

Celebrate Pro Bono Annual Pro Bono Fair and Social October 25, World Trade Center

The annual Pro Bono Fair and Social starts at 2:30 p.m. with free CLEs running concurrently and followed by the fair, awards and social from 5 to 7:30 p.m. All events will be held on the mezzanine level.

The three free CLEs are "Pro Bono Representation of New Businesses: Pitfalls for the Lawyer and the Client," "Introduction to Consumer Law: A Crash Course on Debt Defense, the FDCPA and the UTPA," and "Fundamentals of Representing Children in Domestic Relations Cases."

To register for the CLEs or for more information, contact Michelle Lane at 503.431.6384 or mlane@osbar.org.



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Over the years, prominent partners have included Ralph Cake, Herbert Hardy (MBA President 1963-64), Nicholas Jaureguy (MBA President 1949-50), Dean Gisvold, Donald McEwen and judges John Buttler, Jonathan Newman and Janice Stewart.

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ORCP updates and court closure information are at www.mbabar.org/courts.htm.

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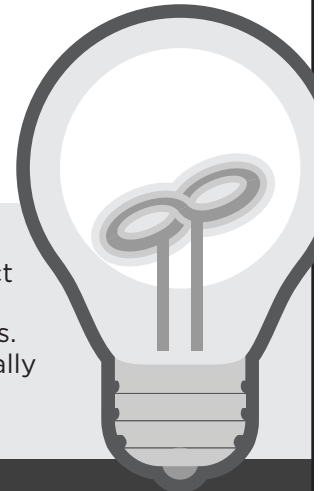
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a publicly traded company (GBX on the NYSE) and manufacture, sell, lease, repair and refurbish railcars, and also manufacture and sell marine barges. See complete job description and application process at <http://www.gbrx.com/Careers.php?expandable=100> The Greenbrier Companies, Inc. is an Equal Opportunity Employer.

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Cosgrave Vergeer Kester seeks a lateral hire to join our business practice group. Primary focus should be on relatively sophisticated trust and estate planning, administration general business and tax expertise to complement group leader's existing practice. Successful candidate will have exceptional writing and analytical and interpersonal skills, excellent law school academic credentials and an entrepreneurial approach to the practice. Established client base required. Admission to Oregon Bar required and to Washington Bar preferred. With offices in Bend and Portland, Cosgrave Vergeer Kester is a diverse group united by a commitment to excellence, both professionally and personally. Compensation includes competitive salary, bonus and full package of benefits. Please send resume, transcript and writing sample to Cosgrave Vergeer Kester LLP, Attn: Gloria Martin, 805 SW Broadway, 8th Floor, Portland OR 97205, email gmartin@cvk-law.com or fax 503.323.9019. All inquiries will be held in confidence.

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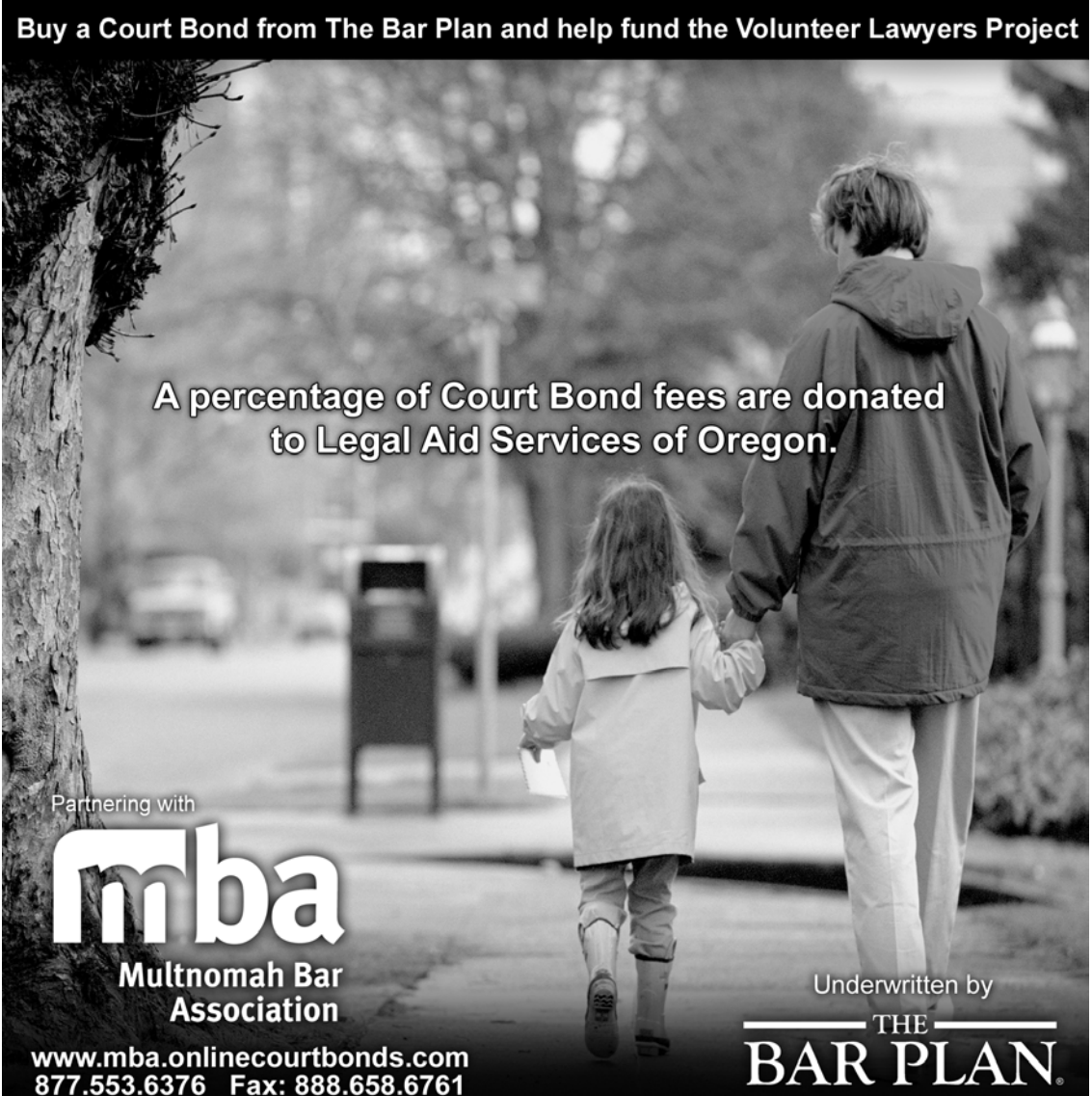
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We are pleased to announce that Robin Wright has been named a Shareholder in the firm. Robin will continue to handle dissolution and custody cases, appeals and juvenile matters.

We also welcome back Robert Demary as a Shareholder. This is a homecoming of sorts for Bob as he returns to Gevurtz Menashe after spending the past 17 years as a sole practitioner in Lake Oswego. Bob will continue his family law practice handling divorce, custody and support cases.

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Multnomah Bar Foundation

Lights! Camera! Action! Civic Education Video Project Update

by John Lugton
Producer, MetroEast Community Media

August and the early part of September have been full steam ahead, with filming at such

locations as the Multnomah County Courthouse, Portland park blocks and Salem, to name but a few. A big thank you to everyone from the legal community who has helped, advised and more importantly, kept us on the straight and narrow. We are well over 50% through the major



Video series host and co-host outside the courthouse

videotaping with all the larger scenes under our belts. The County Courthouse has been our location for a few weekends and clearing security was “entertaining” to say the least and as yet we haven’t blown a circuit – whew.

We completed a game show sequence for the fictional “Courts! Courts! Courts!” Our thanks to Tyler Volm for playing a great host. We’ve been rough cutting the footage as we go along and the pictures and sound are looking great. We’re really pleased with the way things have turned out. Our next phase of production involves several Specialist and Program

interviews and picking up some of the smaller scenes which we’ll be shooting at the studios here at MetroEast.

From our side of things we’ve really loved having such a big production to work on. Feedback from everyone we talk to about the project is one of real excitement and kudos to the MBF for working on such a vital project for the community at large.



Tyler Volm with game show contestants

We’re excited to showcase a few select scenes at the October 6 MBF Social at Markowitz Herbold Glade & Mehlhaf and hope to see you there.



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Seminars are worth 2 OSB credits unless otherwise noted; 2 Washington MCLE credits can be obtained independently. Registrants who miss the seminar may request the written materials. Substitutions are welcome. Registration fees are non-refundable.

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

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

October 25, 2011
Tuesday
3:00-5:00 p.m.

World Trade Center - Skybridge Room
26 SW Salmon, Portland

Members \$55/Non-members \$85

Financial Statement Review and Accounting Issues

Lawyers are often asked to review the financial statements of a business as part of due diligence for a transaction or for general representation of business clients. What do lawyers need to know about reviewing financial statements and other key accounting issues? What are the components of financial statements and what purposes do they serve? What is the purpose of the auditor's notes to the financial statements? What are the hot issues in accounting for businesses? **Peter Kwong** from Perkins and Company and **Sang Ahn** from McDonald Jacobs will help us understand these issues in this two-hour presentation.

For more information: Call Jay Hull, Davis Wright Tremaine at 503.778.5346. For registration questions, please call the MBA at 503.222.3275.

October 27, 2011
Thursday
3:00-5:00 p.m.

World Trade Center - Skybridge Room
26 SW Salmon, Portland

Members \$55/Non-members \$85

Enforcing Oregon's Trust Deed Act: Nonjudicial Foreclosure From the Lender's Perspective

This seminar is designed to assist both bench and bar in assessing the validity of the new-found claim being brought by borrowers: that a lender cannot foreclose nonjudicially on a borrower's property if all note transfers are not previously recorded in the county land records.

The presenters, **Pilar French** of Lane Powell and **Cody Hoesly** of Larkins Vacura, will address why that claim lacks merit under the Oregon Trust Deed Act and longstanding legal principles which predate the current foreclosure "crisis." The seminar will also discuss the role of Mortgage Electronic Registration Systems, Inc. ("MERS") as a nominee beneficiary in deeds of trust and why Oregon law permits note owners to designate agents to serve in that capacity. Finally, the presenters will touch on related topics, such as the prevalent "show me the note" theory and common documents borrowers will record in an attempt to evade foreclosure. If you are involved in mortgage litigation, then this seminar will help you, regardless of your experience level.

For more information: Call the MBA at 503.222.3275.

November 1, 2011
Tuesday
3:00-5:00 p.m.

World Trade Center - Mezzanine Room
26 SW Salmon, Portland

Members \$55/Non-members \$85

Clark County Presiding Court Update

This year, the MBA has combined the Clark County Presiding Court Update presented by **Judge Richard Melnick** with a Trial Practices seminar presented by local practitioner **Don Jacobs**, Attorney at Law. This class is designed for anyone who practices in Clark County, whether on a regular basis or only on rare occasions. Judge Melnick will provide valuable information regarding new practices or changes to existing practices within the Clark County Court system. Mr. Jacobs will focus on the aspects of a civil trial in Clark County and how it may differ from civil trial practices in the Portland Tri-County area. If you currently practice in Clark County, or have been considering practicing in Clark County, this CLE is a must for you. This class is geared toward practitioners with all levels of experience.

For more information: Call J.R. Weiss, Attorney at Law at 503.345.2972. For registration questions, please call the MBA at 503.222.3275.

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

World Trade Center - Mezzanine Room
26 SW Salmon, Portland

Members \$55/Non-members \$85

Mergers & Acquisitions: Latest and Greatest Hits

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

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

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

World Trade Center - Skybridge Room
26 SW Salmon, Portland

Members \$55/Non-members \$85

E-Discovery: The 200-Level Course

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

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

For more information: Call the MBA at 503.222.3275.

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

World Trade Center
Plaza Conference Room
26 SW Salmon, Portland

Members \$35/Non-members \$40

Child Abuse Reporting

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

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

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

For more information: Call the MBA at 503.222.3275.

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

World Trade Center - Mezzanine Room
 26 SW Salmon, Portland

Members \$55/Non-members \$85

2011 Ethics Update

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

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

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

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

World Trade Center - Mezzanine Room
 26 SW Salmon, Portland

Members \$55/Non-members \$85

Ethics: Attorney's Duties to Third Parties

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

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

CLE Registration Form

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

| | | | | | |
|---------------|--|-------------|---|-----------|--|
| NAME _____ | | | ACCOUNT NUMBER _____ | | |
| FIRM _____ | | | EXPIRATION DATE _____ V-CODE (3-digit code on back) _____ | | |
| ADDRESS _____ | | | | | |
| CITY _____ | | STATE _____ | | ZIP _____ | |
| PHONE _____ | | | | | |
| OSB# _____ | | | | | |

Member Status:

- MBA Member
 Non-Member

Payment Options:

- Check VISA MasterCard

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

Photocopy registration and mail or fax with payment to:

Multnomah Bar Association
 Unit 33, P.O. Box 4900 ■ Portland, OR 97208-4900
 503.222.3275 ■ Fax to: 503.243.1881

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

Reduced fees for unemployed members are available and are assessed on a case-by-case basis. For details, call the MBA at 503.222.3275.

Seminar Selection:

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

10/25 Financial Statement Review and Accounting Issues

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

10/27 Enforcing Oregon's Trust Deed Act

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

11/1 Clark County Presiding Court Update

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

11/9 Mergers & Acquisitions: Latest and Greatest Hits

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

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

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

11/30 Child Abuse Reporting

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

12/7 2011 Ethics Update

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

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

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

- Prefer Tapes & Written Materials (instead of CD)

Total due \$ _____

Kate Jones

Pro Bono Spotlight

by Abra Cooper
Schwabe, Williamson & Wyatt

Since beginning her work at Legal Aid Services of Oregon (LASO) in January, Kate Jones has logged close to 500 pro bono hours working with clients on tax and bankruptcy issues. Jones, who graduated from the U of O School of Law in May 2010, devotes, on average, approximately 25 hours a week to her LASO clients. She spends an additional 10 hours a week handling primarily probate matters as a contract attorney

“...Jones tries to devote enough hours to her pro bono clients at LASO so that she is doing legal work full time.”

with the Law Offices of Chris Roy in Portland. Each week, Jones tries to devote enough hours to her pro bono clients at LASO so that she is doing legal work full time. “I like to keep busy and stay apprised of developments in the areas of law

that interest me and that affect my clients.”

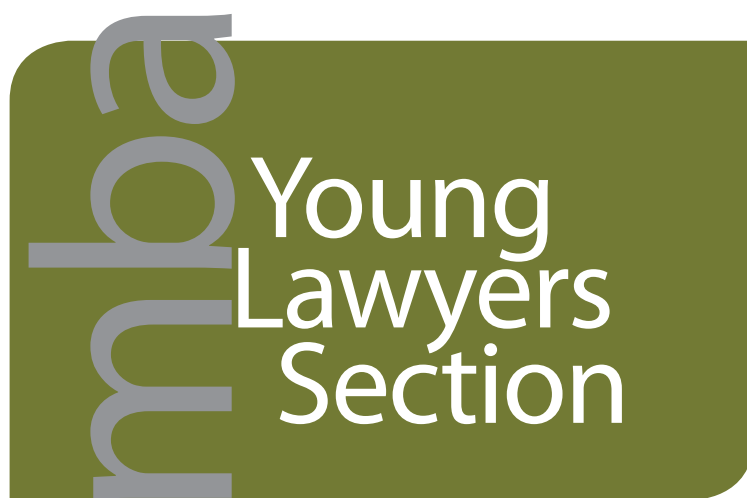
As a law student, Jones, who also holds an MBA with a concentration in finance, knew that she would focus her practice on tax, and pursued and obtained a certificate in taxation. Volunteering at LASO has allowed her to use the skills she learned in law school and given her the opportunity to be continually developing new ones while looking for a full-time position. “At LASO, I’m constantly exposed to new clients and legal issues in both my tax and bankruptcy cases. I’m also able to ask the supervising attorneys if I can jump on new projects in other areas of law that interest me,” said Jones. The clients Jones counsels are “very poor, and sometimes homeless,” and in debt with no way to pay their creditors. In the majority of her cases, it is the IRS or the Oregon Department of Revenue (DOR) seeking to collect from



Kate Jones

her clients. “I spend quite a bit of time working with the IRS and DOR and representing my clients’ interests to those agencies.”

Jones is currently preparing for and looking forward to her first case in front of the US Tax Court, in which she will present an Innocent Spouse Petition on behalf of a “truly worthy client who would not have the ability to make her voice heard in the system without the assistance of LASO.” In the meantime, Jones will continue to develop her skills as a tax attorney at LASO. “Volunteering at LASO has been a wonderful experience, benefiting both my growth and development as an attorney and the clients who seek LASO’s services.”



The YOUTHFILM Project

The YOUTHFILM Project (YFP) is an annual student filmmaking contest, presented by the YLS as part of Community Law Week. The YFP gives K-12 students an opportunity to express themselves creatively and learn more about the legal system and civics issues through the modern media of film. Each group of student filmmakers selects a topic related



to the ABA’s Law Day theme, writes a script, engages a cast, and directs the film.

This year’s theme is “No Courts, No Justice, No Freedom.” YFP Committee members

judge the entries for creativity, educational value, and technical ability. A screening event is held during Community Law Week in May. Honorary guests, including Oregon Supreme Court Chief Justice Paul J. De Muniz, award prizes.

The YFP is adding a mentor program. A volunteer lawyer will be matched with a group of student filmmakers. The mentor will answer questions about the law and this year’s theme, interact with the filmmakers as they develop ideas and assist with planning and organization.

If you would like to get involved with the YFP, either as a committee member or as a mentor, please contact YFP Committee chair Darin Dooley at darin@naylaw.com.

Running with the Law

by Eva Marcotrigiano
Bowerman & David



It was a warm Saturday in August at about 7:30 a.m., somewhere on a grassy field in the Oregon coast range. I was walking, half asleep, over to the road where my incoming teammate, construction defect attorney Damon Henrie, would soon be handing me the ‘80s style slap-wrap bracelet for my next leg in Hood to Coast (HTC). Much to my surprise, I found myself

“...I was walking, half asleep, over to the road where my teammate... would soon be handing me the ‘80s style slap-wrap bracelet....”

amidst five or six familiar Smith Freed & Eberhard attorneys. Not one to get anxious about my appearance, I found myself

concerned about my unbrushed teeth and the bags under my eyes in the presence of colleagues – until I learned of their HTC nicknames (Rumble Kitty, Badger, Swamp Monster a.k.a. Gigglefits, Rubber Duck, Suicide Jockey, Flat Iron and Pinky Brewster). Meanwhile, business litigator Stacy Owen was enjoying her HTC experience with coworkers from Markowitz Herbold Glade & Mehlhaf. The Markowitz team, *Running from the Law and Dave Markowitz*, was able to bond with one another doing something they all enjoy, something outside of the usual “team building” parameters. Somewhere nearby, Josh Stump, a business litigation attorney at Harrang Long Gary

Rudnick, was trying to relax and recoup after finishing his final leg. Stump, in true lawyer form, had participated in a hearing in town on Friday morning. The judge and opposing counsel were so worried that he would miss his first leg that they moved the hearing up and encouraged him to show up in his running shoes!

Hood to Coast is not the only running event where you will find Portland lawyers. You may see a familiar face at the Helvetia Half Marathon & Widmer 10K, the Oregon Humane Society’s Doggie Dash, or of course the Race for Justice 5K, which raised \$142,000 this year on behalf of the St. Andrew Legal Clinic.

What is with all of these lawyers running when they are

not being chased? Well, there are the obvious benefits to running, including physical and mental well-being. After sitting at a computer all day, your body needs to move, and after hours of analyzing, sometimes a run is the perfect thing to help clear your head. Furthermore, as attorneys we gravitate toward efficiency, as our time constraints are many. Running is one of the best “bangs for your buck” out there if you



Members of the *Running from the Law and Dave Markowitz Hood to Coast* team

are looking to quickly improve your health. So, throw on your shoes and get out the door. That 30 minutes of clarity out in Forest Park may end up saving you three hours of tomorrow’s time. Or, maybe we’ll see you at Hood to Coast next year!



Running from the Law and Dave Markowitz Hood to Coast team

mba yls | EVENT

Drop-In Social

On Deck Sports Bar & Grill
910 NW 14th Ave. (in the Pearl District)
October 20, 5:30-7 pm

Sponsored by the YLS Membership Committee

Come mingle with friends and colleagues on one of the largest outdoor decks in Portland.

YLS Pro Bono Pedal

On September 17 the YLS Pro Bono Committee held the first-ever Pro Bono Pedal fundraiser. The event raised more than \$6,000 to benefit the Volunteer Lawyers Project.

Thank you to the many sponsors and volunteers that helped make the event a success!



Sam Friedenberg



Matthew Erdman and Caitlin Sause



Trish Walsh, Sam Friedenberg, Caitlin Sause, Chelsea Glynn, Jay Klein and Matthew Erdman



Pro Bono cyclists

webcheck

Sign the Pro Bono Pledge at www.mbar.org/probono.htm.

YLS Update

We want to hear what you think about the new location of the YLS news. If you have suggestions, we would like to hear them too. Please send all comments to Judy Edwards, MBA Executive Director at judy@mbabar.org. The third YLS president was Bill Savage in 1982-83.



Like us on Facebook!

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and our page for timely news and event information.

The MBA Mentoring Program A View from the Mentee

We sat down with Jason Hirshon of Slinde Nelson to talk about his experience as a mentee in the MBA Mentorship Program.

How did you become involved in the MBA mentorship program?

I received an email or letter from the MBA YLS advertising the program. Being a new lawyer in a new state, I thought that it would be a great opportunity for me to get to know the legal community better.

How did you first meet with your mentor?

My mentor contacted me. We both worked in the same building, so we met up in the lobby one day and went to lunch together.

How much of a time commitment did the mentor program require?

I think the time commitment can

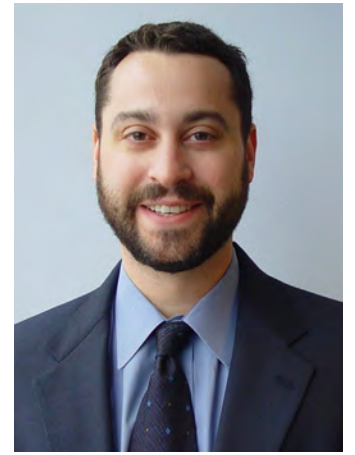
be as much or as little as you want. My mentor and I met up about five or six times for lunch, attended a CLE together as well as a luncheon/mixer at Lewis & Clark.

What types of things did you and your mentor discuss?

We discussed all aspects of the practice of law here in Oregon. He talked about his experiences navigating his own career and how he had managed to build a successful practice. We also discussed specific issues affecting my own career such as professionalism and ethics.

Any advice for young lawyers considering signing up?

I would recommend all young lawyers sign up for this program, even if you feel you do not need mentoring or you already have a mentor. It never hurts to have one-on-one time with a more



Jason Hirshon

experienced attorney in the community. I still see my mentor on a regular basis and was even on the opposite side of a case.

If you are interested in signing up to become a mentee or a mentor or have any questions about the program, please contact Kathy Modie at the MBA.

Pro Bono Volunteers

Thanks to the following lawyers and law students who donated their pro bono services in May, June, July and August via the Volunteer Lawyers Project, the Senior Law Project, Community Development Law Center, law firm clinics, the Oregon Law Center, the Nonprofit Project, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark's Small Business Legal Clinic, Children's Representation Project and Attorneys for Youth. To learn more about pro bono opportunities in Multnomah County, go to www.mbar.org and click on "About Us" and "Pro Bono."

Matthew Abts • Alexander Adams • Robert Altman • Patricia Arjun • Jeffrey Armistead • Bethany Bacci • Sibylle Baer • William Ball • Cynthia Barrett • John Beck • Natasha Bellis • Christopher Bergstrom • Brittany Berkey • Jennifer Betts • Noah Bishop • Tami Bishop • Thomas Bittner • Andrew Bobzien • Dave Bourgeois • Carson Bowler • Aviva Brown • Bradley Brown • Kimberly Brown • Heidi Brown • Hon. Trish Brown • Jennifer Bruce • Nathan Brunette • Jon Buckland • Chris Burnett • Sara Butcher • Caroline Cantrell • Brett Carson • Thomas Carter • Dylan Cernitz • Bernard Chamberlain • Ann Chapman • Nik Chourey • Thomas Chow • Emily Cohen • Charles Corrigan • Christopher Coyle • Sarah Crooks • Mark Cross • Steven Cyr • Tiffany Davidson • Karen Davis • Risa Davis • Joseph DeBin • Robert Demary • Christy Dickson • Nikki Dobay • Margo Dobbertin • Laura Donaldson • Mary Dougherty • Audrey Durbin • Tim Eblen • David Edstrom • Chris

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