



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

100TH ANNIVERSARY

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

1906 - 2006

April 2006 Volume 52, Number 4



From the President

By Kelly Hagan, Schwabe Williamson & Wyatt and MBA President.

WHEREAS:

1. Multnomah County Commissioners Naito and Rojo de Steffey have, on February 24, 2006, introduced a resolution calling for the county "to acquire a site as the first step towards constructing a new facility for the Fourth Judicial District Circuit Court in, or in proximity to, downtown Portland's Government Center area by December 31, 2006"; and
2. The Commission's resolution further calls for development of a preliminary plan for such site acquisition within 60-days; and
3. The proposed resolution further observes that ORS 203.135 grants to the county "the power of eminent domain . . . to acquire any right or interest in real property for . . . public building or public institution purposes"; and

THEREFORE, the board of directors of the Multnomah Bar Association RESOLVES:

1. To support the adoption of the resolution by the full County Commission at its March 23rd meeting; and
2. To authorize the president of the board of directors or his designee to attend the March 23rd meeting of the Commission to present testimony in support of the above-referenced resolution; and
3. To support the use of the county's power of eminent domain to acquire a site for a new courthouse in, or in proximity to, Portland's Government Center, should the exercise of such power be necessary to the acquisition of such site;

Adopted this 7th day of March 2006

/s/ Kelly T. Hagan, President

By the time this issue of the *Multnomah Lawyer* is delivered, the Multnomah County Commissioners hopefully will have acted on the proposed resolution. The MBA Board is united in the sincere hope that the commission's action is positive. The identification of a site for a new downtown courthouse is an important first step towards the ultimate goal of a new facility. It is my intent to appear in support of the proposed resolution at the commission's hearing on March 23. I will offer the board's resolution into the record.

Resolutions by the MBA Board are rare. In my five years on the board, I can recall only two other formal actions of this kind. The board closely reviewed the issue before acting. The prior resolutions of the commission on the courthouse issue, as well as the two most recent architectural and blue ribbon studies, were assembled and distributed to the board. The resolution itself was the product of much revision.

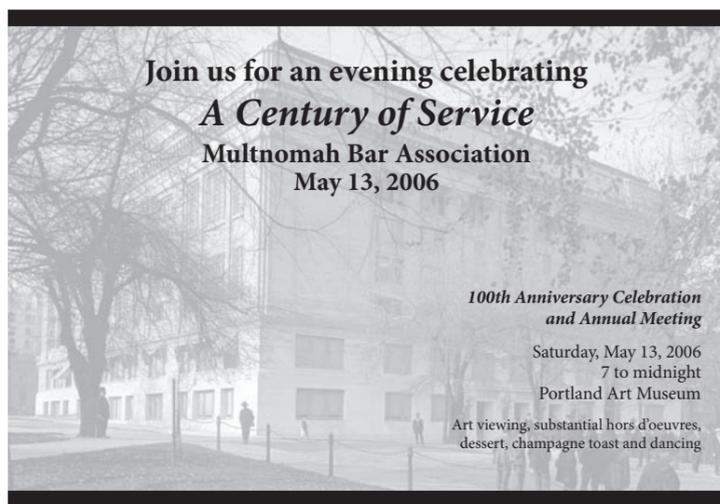
The board carefully considered the advisability of invoking the power of eminent domain. The board ultimately and unanimously endorsed such action if necessary to keep the courthouse downtown "in, or in proximity to, downtown Portland's Government Center." That position was not taken lightly or easily. Yet all of us feel there are good reasons for keeping that option open.

Speaking for myself, the importance of keeping the courthouse downtown is both symbolic and practical. It is symbolically important for the courthouse to occupy a central location. County government, and particularly its hall of justice, would be diminished by its absence from, quite literally, the center of things. I am reminded of the relocation of the State Office Building to NE Oregon Street. The move did more than just change the location of some offices. It shifted the center of gravity in state government still further south. Statewide elected officials, with the exception of the Commissioner of Labor and Industries, don't spend much time in the Portland offices anymore. I think all of us all feel more removed from state government as a result.

The practical reason is economic: the relocation of the courthouse would threaten the prosperity of the downtown core. How many attorneys would follow the courthouse? Certainly not all; probably not most. But an indeterminate number would. And so necessarily would hordes of jurors and others with business at the courthouse. How many retail and eating establishments would feel the pinch of such an outmigration? How much commercial space would eventually empty and go begging for lessees? Someone undoubtedly has a better guesstimate than I do about the financial impact of relocating the courthouse, but my gut tells me it would be substantial, enough perhaps to hollow out the dynamic growth of downtown to the north and south.

These are reasons that may justify the condemnation of private property. It is regrettable that the county did not acquire the Two Main Place surface lot years ago, when the cost was substantially lower and there was a willing seller. But spilt milk won't build us a new courthouse: we need to move forward and, as Commissioners Naito and Rojo de Steffey propose, we need to do so now.

Please join me in supporting the commission's efforts to site a courthouse on Government Square.



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MBA CLE

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

April

Wednesday, April 5
Annual Judges' Trial Practices Update
Hon. Kathleen Dailey
Hon. Nan Waller
Hon. Janice Wilson

May

Tuesday, May 2
Annual Probate Update
Hon. Elizabeth Welch

Wednesday, May 24
Mandatory Arbitration Training
Hon. Edward J. Jones
Bill Gibson
Eric Neiman
Nancie Potter

Wednesday, May 31
Recognizing and Handling the Impaired Attorney
Calvin Souther
Meloney Crawford Chadwick

June

Tuesday, June 6
Serving on the Board of a Nonprofit Organization Protecting Yourself and Your Client
Elizabeth Grant
Scott Howard
Jeffrey C. Thede

Wednesday, June 7
War Stories: Representing "Enemy Combatants" Lessons from Guantanamo Bay for Every Practitioner
Steve Wax
Tom Johnson

Monday, June 12
Mandatory Arbitration Training
Hon. Edward J. Jones
Bill Gibson
Eric Neiman
Nancie Potter

Wednesday, June 14
Charitable Giving and the Sale of the Closely Held Business: A Case Study
Jason R. Orme
Joseph Wetzel

In This Issue

Announcements.....	p. 4
Ethics Focus.....	p. 4
WinterSmash Wrap-Up.....	p. 5
Around the Bar.....	p. 7
Tips From the Bench	p. 8
New Pullout Section	
Profile - Judge Larsen.....	p. 9
YLS.....	p. 10
News From the Courthouse..	p. 11
Classifieds.....	p. 14
CourtCare Campaign.....	p. 16

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MBA and YLS Board Elections

Please look inside for your ballot to vote on new directors for the MBA and YLS Boards. Profiles of candidates appear on pp 8 and 9. Ballots must be received at the MBA by 5 p.m. Friday, April 28.

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

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NEW ON THE SHELF

By Jacque Jurkins, Multnomah Law Librarian.

The new Multnomah Law Library Web site is www.multlawlib.org. Useful features include links to the MBA Membership Directory, the OSB Directory, and Martindale-Hubbell, as well as the list of Multnomah County Judges' courtroom locations, phone numbers and Clerk and JA names. A calendar indicates legal holidays and the days the courthouse is closed. There also is a research link to the ORS and Oregon Appellate decisions. A feature under construction is the library's on-line catalog.

EVIDENTIARY FOUNDATIONS, 6th ed. by Edward J. Imwinkelried. Published by LexisNexis, 2005. (KF8935 I25 2005)

EVIDENCE FROM THE JUDGES. Course materials from the November 18, 2005 Oregon Law Institute program in Portland. (*KF 8935 O7O73ef)

REPRESENTING CLIENTS AT THE OREGON LEGISLATURE. Course materials from the November 10, 2003 Oregon Law Institute program in Portland. (*KF 4937 O7O73)

ESTATE AND TRUST PLANNING by Jeffrey N. Pennell and Alan Newman.

Published by the ABA. Section of Real Property, Probate, and Trust Law, 2005. (KF 750 P45)

REPOSSESSIONS, 6th ed. contributing authors: Jonathan Sheldon and John Rao. Published by the National Consumer Law Center, 2005. (KF 1040 C42 2005)

FORECLOSURE, DEFENSES, WORKOUTS, AND MORTGAGE SERVICING by John Rao and Odette Williamson. Published by the National Consumer Law Center, 2005. (KF 1040 C62)

DIRECTORS' AND OFFICERS' LIABILITY, 2nd ed. by James A Fanto. Published by the Practising Law Institute, 2005. (KF 1423 F35)

TREATISE ON THE LAW OF SECURITIES REGULATION, 5th ed. by Thomas Lee Hazen. Published by Thomson/West, 2005. (KF 1439 H39 2005)

INSIDER TRADING, 2d ed. by William K. S. Wang and Marc I. Steinberg. Published by the Practising Law Institute, 2005. (KF 1073 I W36)

THE INTELLECTUAL PROPERTY HANDBOOK: A practical guide for franchise,

business and IP counsel edited by William A. Finkelstein and James R. Sims. Published by the ABA, Forum on Franchising. Section of Intellectual Property, 2005. (KF 2979 I43)

RECOVERY FOR WRONGFUL DEATH, 4th ed. by Stuart M. Speiser and James E. Rooks. Published by Thomson/West, 2005. (KF 1260 S66 2005)

ADVANCED ADMINISTRATIVE LAW. Course materials from the December 3, 2005 Oregon Law program in Portland. (*KF 5402 O7O73aa)

A LEGAL GUIDE TO HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR STATE AND LOCAL GOVERNMENTS edited by Ernest B. Abbott and Otto J. Hetzel. Published by the ABA. Section of State and Local Government Law, 2005. (KF 4850 H65)

THE LEGAL GUIDE TO AFFORDABLE HOUSING DEVELOPMENT edited by Tim Iglesias and Rochelle E. Lento. Published by the ABA. Section of State and Local Government Law, 2005. (KF 5729 L44)

CALENDAR

For a complete MBA calendar, please visit www.mbabar.org.

April

4 Tuesday, MBA Board meeting

5 Wednesday, MBA CLE – Annual Judges Trial Practices Update See insert or register at www.mbabar.org.

6 Thursday, YLS Employment Law CLE Series continues (through May 25) Register at www.mbabar.org

Thursday, Pro Bono Fair

10 Monday, May Multnomah Lawyer deadline

11 Tuesday, YLS Board meeting

Tuesday, Classroom Law Project Legal Citizen Dinner Visit www.classroomlaw.org for details.

13 Thursday, FBA Annual Appreciation Dinner at Hilton Visit www.fedbar.org/oregon for details.

17 Monday, MBA Professionalism Training CLE Register at www.mbabar.org.

20 Thursday, YLS Meet the Judges Drop-in Social Visit www.mbabar.org for details.

April 24-May 5 Monday-Friday, CourtCare Fundraising Campaign

26 Wednesday, Administrative Professionals Day

27 Thursday, MBA Golf Tournament at Camas Meadows Golf Club See insert to register.

Wednesday, Multnomah Bar Foundation Board meeting

May

1-6 Monday-Saturday, Community Law Week Visit www.mbabar.org for details.

1 Monday, YLS PDE Seminar Visit www.mbabar.org for details.

2 Tuesday, MBA Board meeting

Tuesday, MBA CLE – Annual Probate Update See insert or register at www.mbabar.org.

8 Monday, YLS PDE Seminar See insert or register at www.mbabar.org.

9 Tuesday, YLS Board meeting

10 Wednesday, June Multnomah Lawyer deadline

13 Saturday, MBA 100th Anniversary Celebration at Portland Art Museum Visit www.mbabar.org for details.

18 Thursday, MBA Golf Tournament at Heron Lakes See insert to register.

18-20 Thursday-Saturday, ABA YLD Conference in Portland Visit www.abanet.org/yld/spring06 for details.

24 Wednesday, Multnomah Bar Foundation Board meeting

Wednesday, MBA CLE Mandatory Arbitration Training See insert or register at www.mbabar.org.

31 Wednesday, MBA CLE Recognizing and Handling the Impaired Attorney See insert or register at www.mbabar.org.

Wednesday, MBA East County Social See Announcements for details.

A CENTURY OF CHANGE



One thing remains constant -- the service provided by The Multnomah Bar Association.

Lane Powell lawyers are proud to have been members of the Association since its inception. We salute their professionalism, fairness and integrity over the past Century, and join them as we celebrate more than 130 years of practicing law in the Pacific Northwest.

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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

Insurance Defense: Who's In Charge?

In recent years, insurers have increasingly relied on case management guidelines to control litigation costs. Although guidelines vary, they often direct prior approval of major activities like depositions and retaining experts and require detailed status reports and case plans. The advent of guidelines has, in turn, sparked a debate over the extent to which insurance defense counsel can ethically comply with them and whether the required reports fall within the attorney-client privilege. In this column we'll look at three related questions: (1) who is the client in Oregon insurance defense? (2) must an insurance defense counsel follow case management guidelines? and (3) are reports to insurers protected by the attorney-client privilege?

Who Is the Client?

States vary in their treatment of whether an insurance defense counsel is considered to represent only the insured or both the insured and the insurer. In Oregon, an insurance defense counsel is generally considered under OSB Formal Ethics Opinions 2005-77 and 2005-121 to have two clients - the insured as the "primary" client and the insurer as a "secondary" client (but a client nonetheless).

Although the "two client" approach is the "default" position in Oregon, it need not always be the case. For example, a corporate insured with a large self-insured retention might want to make certain that "its" law firm remains available to handle coverage questions unhindered by a conflict arising from the "two client" model. In Oregon, the existence of an attorney-client relationship is governed largely by the Oregon Supreme Court's decision in *In re Weidner*, 310 Or 757, 770, 801 P2d 828 (1990). In *Weidner*, the Supreme Court outlined a two-part test for determining whether an attorney-client relationship exists: (1) the client must subjectively believe that such a relationship exists; and (2) that subjective belief must be objectively reasonable under the circumstances. Although there is no case law directly on point in Oregon in the insurance defense context, it should follow from *Weidner* that a law firm and an insurer could agree that the insurer will not be considered the law firm's client. In fact, the ABA took this view in a formal ethics opinion - 96-403 (1996) - concluding that the law firm and the insurer could expressly agree to limit the "client" to the insured only.

Insurance Defense Guidelines.

Regardless of whether the insurer is considered a co-client or not, it is typically the one paying all, or at least most, of a lawyer's bill. The ethical issues raised by case management guidelines, therefore,



apply with equal measure to the "one client" and "two client" scenarios.

Both the OSB and the ABA have addressed insurance case management guidelines in ethics opinions that reach similar conclusions: OSB Formal Ethics Opinion 2005-166 and ABA Formal Ethics Opinion 01-421 (2001).

The OSB took a twofold approach in 2005-166. First, it concluded that insurance defense counsel could acknowledge receipt of the guidelines without necessarily agreeing to follow them. Second, the OSB stressed that insurance defense counsel would need to carefully and continually evaluate the guidelines as a case progresses. In reaching these conclusions, the OSB relied primarily on RPC 1.8(f), which directs that a lawyer's judgment on a client's behalf should not be swayed when another person is paying the bill, and RPC 1.1, which requires competent representation. 2005-166 contemplates that in most instances an insurance defense counsel will be able to comply with both case management guidelines and professional standards. But it concludes on a cautionary note: "If Lawyer cannot ethically comply with any particular aspect of the Guidelines, Lawyer must obtain a modification of the Guidelines from Insurer, or decline or withdraw from the representation."

The Attorney-Client Privilege.

Regardless of whether an insurer is the lawyer's "client" or not, reports, litigation plans and other correspondence concerning an insured's case are generally protected by the attorney-client privilege. Under the "two client" approach, OSB Formal Ethics Opinion 2005-157 puts such reports squarely within the privilege because the insurer is a co-client. Even in a "one client" scenario, however, the privilege applies through the "common interest doctrine," which was recognized in Oregon by *Interstate Production Cr. v. Fireman's Fund Ins.*, 128 FRD 273, 280 (D Or 1989), and holds that disclosure of privileged information to a third party with a common or closely aligned interest is not a waiver.

Mark Fucile is a partner at Fucile & Reising, where he handles professional responsibility, regulatory and attorney-client privilege matters and law firm related litigation for lawyers, law firms and legal departments throughout the Northwest. He may be reached at 503.224.4895 and mark@frllp.com.

ANNOUNCEMENTS

MBA Celebrates a Century of Service May 13

The MBA celebratory event will be Saturday, May 13 at the Portland Art Museum, from 7 p.m. to midnight. The evening will include art viewing, hearty hors d'oeuvres, dessert, champagne toast and dancing. Tickets will cost \$100 if purchased by April 21. After that date, the price increases to \$125 per ticket. Visit www.mbar.org for more information and to purchase tickets.

East County Social

If you live or work in East County and are an MBA member, please join us for the spring East County Drop-in Social. This meet-and-greet event will take place at Typhoon!, 543 NW 12th St in Gresham on Wednesday, May 31 from 5:30-7 p.m. This will be a great opportunity to meet other East County members, share ideas and just enjoy yourself.

Federal Court Filing Fees Increase April 9

Pursuant to the Deficit Reduction Act of 2005, passed by both House and Senate and signed by the President on February 8, 2006, the following fee increases become effective April 9:

- Court of Appeals - filing fee increases from \$250 to \$450
- District Court - civil action filing fee increases from \$250 to \$350
- Bankruptcy Court filing fees
 - Chapter 7 increases from \$220 to \$245, total due at filing \$299*
 - Chapter 13 increases from \$150 to \$235, total due at filing \$274*
 - Chapter 11 - this fee remains unchanged at the moment due to a possible drafting error on the bill.

*The bankruptcy fee increases affect only the statutory chapter filing fees; all other fees collected at filing, such as the \$39 miscellaneous fee in all chapters and the \$15 case trustee fee in chapter 7 cases, remain unchanged.

US District Court, District of Oregon

In the Matter of Amending the Local Rules of Practice and

Procedure Miscellaneous File No: 06-mc-9051 ORDER In accordance with the provisions of 28 U.S.C. Sect. 2071(b), amendments to the Local Rules of Practice and Procedure have been proposed by the Court's Local Rules Advisory Committee, submitted for public comment, and finally approved by the Court on March 1, 2006.

In accordance with this order, the amendments to the local rules will take effect on June 1, 2006, while the mandatory CMIECF electronic filing requirements of LR 100.1(b) will take effect on September 1, 2006.

The Clerk of Court is directed to provide public notice of the amended local rule changes on the Court's Web site at www.ord.uscourts.gov through the Federal Bar Association, to the Administrative Office of the United States Courts, and to the Judicial Council of the United States Court of Appeals for the Ninth Circuit done on behalf of the court on March 1, 2006.

Honorable Ancer L. Haggerty,
Chief Judge

A compiled set of the Amended Local Rules can be found at www.ord.uscourts.gov.

Camile S. Hickman, Operational Services, US District Court, District of Oregon, 1000 SW 3rd Ave Ste 740, Portland OR 97204-2902, camile_hickman@ord.uscourts.gov.

Classroom Law Project

The first MBA 100th Anniversary Community Gift Fund grant will go to the Classroom Law Project's "We the People" program, which will be expanded to four new schools for next school year. To be successful, attorney volunteers are needed to work with high school students at Parkrose High School or Franklin High School. Attorney volunteers are also needed for middle school programs that are being created. The curriculum materials not only focus on landmark US Supreme Court cases, but on the constitutional convention, responsibilities of citizens in the US and philosophers Locke and Montesquieu. Please contact Marilyn Cover or Emily Kropf at Classroom

Law Project for more details, office@classroomlaw.org or 503.224.4424.

Multnomah County Family Law Group

To be added to the email schedule notification list, contact David Bean at dib@meyerwyse.com.

On April 24, Zvi Strassberg, Ph.D. will speak regarding psychological testing in custody evaluations. On May 22, Judge Paula Kurshner will address "ORCP 68 Attorney Fee Petitions." June 19, the topic will be "Obtaining, registering and enforcing FAPAs and Stalking Orders."

For information regarding the Multnomah County Family Law Group or to work with the organizing committee, contact Mark Kramer at mark@kramer-associates.com.

Queens Bench Luncheon

Tuesday, April 11, Queen's Bench speaker is Ninth Circuit Court of Appeals Judge Susan Graber. 11:45 a.m. - 1 p.m. at Jax Restaurant. The cost is \$12 by cash or check. You may pay at the door. Everyone is welcome but seating is limited. For more information, please contact Barbara Smythe at barbara.smythe@klarquist.com, 503.595.5300, or Nicole DeFever at nicole@defever.com, 503.735.5323.

OCDLA Spring Seminars

Two seminars will be held in Newport this spring. Allegations of Sexual Abuse: Juvenile Law Seminar will be held April 21-22 at the Hallmark Resort, and Investigation & Trial Preparation will be May 5-6 at the Agate Beach Inn. Visit www.ocdla.org for details.

Summer Internship Sought

Hard-working, undergraduate polisci major looking for a summer internship at a law firm in Yamhill or Washington County. Will work 10-15 hours each week for minimal wages. Contact by email tedwards04@georgefox.edu or phone at 503.330.5254.

ABA Probate and Guardianship Publications 20% Discount to Members

The ABA Guide to Wills and Estates, Second Edition

The ABA Guide to Wills and Estates covers why estate planning is important, how to plan an estate, the role of wills and trusts, saving money through estate planning and tax issues. Special chapters deal with estate planning for business owners, married people, divorced people, people in nontraditional relationships, etc. The book also looks at living wills, advance health care directives and other ways of anticipating a situation where you may no longer be able to make decisions for yourself. Written in

a plain, direct style, without legal jargon, it will help consumers understand and deal with this important aspect of their lives.

The MBA member price for this book is \$13.60, regularly, \$17.

Guardianship & Conservatorship: A Handbook for Lawyers

This comprehensive guide provides you with practical advice on conducting guardianship and conservatorship proceedings. It takes a step-by-step look at the guardianship process and examines the implications of guardianship, as well as its alternatives. Topics include the postadjudication phase of guardianship, the duties unique to the guardianship of an estate, termination

of guardianship proceedings and how to avoid "living probate." The book also includes checklists, sample forms, and resources to make your job easier.

The MBA member price for this book is \$59.96, regularly \$74.95. We also encourage you to attend the *Annual Probate and Guardianship Update* with Judge Elizabeth Welch and Helga Barnes on May 2.

To purchase these publications or to see what others have said about them log onto www.ababook.org and enter your member discount source code PAB5EMUL. This discount applies to these or any publications featured on the ABA Web site.

MBA Fourth Annual WinterSmash Raises \$14,500 for CourtCare

MBA members, their friends and families and numerous Portland law firms and

businesses came out in force on February 25 to raise \$14,500 for CourtCare.

Approximately 180 people attended this year's event, which was organized by the MBA Fun Committee. The committee is chaired by Simeon Rapoport, with members Audrey Baker, Judge Julie Frantz, Hwa Go, Jeffrey Matthews, Andrew Schpak and Kathy Maloney.

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The MBA, the Multnomah Bar Foundation, VOA and CourtCare deeply appreciate the sponsorship of the following firms and businesses: *Continued on p. 6*



Susan Marmaduke of Harrang Long Gary Rudnick P.C. with The Big Lebowski Award



Photo by Liz James of Naegeli Reporting Corporation

20th Century Lanes was the venue and by all accounts, bowlers young and old had a fun time. Pizza, chips, vegetable trays and drinks were generously provided by Harrang Long Gary Rudnick PC, the event's *King Pin Sponsor*.

Harrang Long Gary Rudnick LLP took home *The Big Lebowski* honor for the firm with the greatest turnout. Their 30 bowlers, all with matching firm bowling shirts also won for best shirt.



MBA group (left to right) Sally Matthews, Maggie Yates (child), Peggidy Yates, Hannah Eaton (child), Kristin W. Eaton, Madison Eaton (child)
Photo by Liz James of Naegeli Reporting Corporation

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TIPS

Multnomah County SLR 12.025 allows parties to mediate cases under \$50K as a substitute for "mandatory" arbitration.

Additionally, mediation fulfills the SLR 7.075 ADR requirement if you file a certificate within 270 days of filing the lawsuit.

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AROUND THE BAR

OREGON HISPANIC BAR ASSOCIATION

The Oregon Hispanic Bar Association has elected new members, including **Aukjen T. Ingraham**, associate, Cosgrave Vergeer Kester. She joins the following board members: **Susan Felstiner**, President, of Cable Huston et al; **Marisol McAllister**, Secretary, of Ball Janik; and **Román Hernández**, Vice President, of Schwabe Williamson & Wyatt.

LAW OFFICE OF ROBERT G. DOLTON

Robert G. Dolton announces the hiring of **Erica Glaser** as a trial associate of the firm. Glaser has extensive trial experience in the personal injury field.

BALL JANIK

MBA Equality Committee Chair **Lisa M. Umscheid** has joined the firm's employment department as special counsel. Previously a senior attorney at Metro, she practiced employment law, employment defense litigation, labor law and general government law.



Billie J. Eidson

LAW OFFICES OF JUDY SNYDER

Billie J. Eidson has joined the firm in a trial practice committed to representing people in civil litigation matters in both state and federal court. Eidson's practice is devoted to the litigation of civil rights violations, serious personal injury claims, wrongful death actions, child and adult sex abuse claims and employment matters.

ATER WYNNE

The firm has received a BlueWorks Award from the City of Portland for its sustainable business practices and efforts to reduce workplace waste. Ater Wynne is the first large law firm in Portland to receive such an award. BlueWorks is a program of Portland's Office of Sustainable Development, which encourages businesses to recycle, reduce waste and buy environmentally preferable products.

METROPOLITAN PUBLIC DEFENDER

Rachel M. Philips works in the Multnomah County Office.

ANTON H. LABRENTZ

Labrentz announces the recent opening of his law office, located at 311 B Ave Ste D, Lake Oswego OR 97034; phone 503.635.3510; fax 503.635.7130; or email LabrentzEsq@aol.com.



Eric Grasberger

STOEL RIVES

Eric Grasberger has been elected to Chair Oregon's recently formed Construction Claims Task Force.

Grasberger is a partner at the firm who practices in the area of development, construction and design law.



Tamara E. Russell

MILLER NASH

Tamara E. Russell has been made a partner in the firm, where she focuses her practice on employment litigation.

JORDAN SCHRADER

Charles R. Schrader, a construction and labor law attorney and shareholder in the firm, was awarded the Association of General Contractor (AGC) Oregon-Columbia Chapter's Ross B. Hammond Award at the 2006 AGC Annual Conference. The award is an honor given every year to a construction industry leader in Oregon, recognizing outstanding service to the Northwest construction industry in the field of labor relations.



Shawn M. Lindsay

MARKOWITZ, HERBOLD ET AL **Shawn M. Lindsay** has joined the firm as an associate. An expert on software licensing, domain name disputes and trade secrets, Lindsay has counseled clients in the US and abroad on a variety of IP and e-commerce issues. He oversees

enforcement of domestic and international software licenses and manages international IP litigation for software development clientele.



Jeffrey F. Nudelman

JEFFREY F. NUDELMAN

Parr Lumber Company welcomes Nudelman as General Counsel.

CABLE BENEDICT ET AL

The Oregon Department of Environmental Quality selected **Don Haagensen** to serve as chair of the Department's Environmental Cleanup Work Group. He previously served as chair of the Department's Environmental Cleanup Advisory Committee. The work group will assist the department in evaluating its environmental cleanup program and setting priorities for the program.



Jennifer L. Gates

LANDYE BENNETT BLUMSTEIN

The firm welcomes **Jennifer L. Gates** as an associate.

DUNN CARNEY ET AL

Carolyn L. Larson has joined the firm as of counsel to support a growing real estate and business practice. Larson will focus on real estate, business, estate planning, regulatory and transportation law. She joins the real estate and land use practice group.

CHRISTINE B. MILLER MASON

Mason, senior assistant attorney general, has been appointed to the Portland Citizen Campaign Commission. The commission provides assistance to the Auditor and City Council in the development and implementation of the new Campaign Finance Fund.

BULLARD SMITH ET AL

The firm introduces its new partner, **Adam S. Collier**, who practices exclusively in the area of management labor and employment law.

GEVURTZ MENASHE ET AL

The firm has added **Brenna Tanzosh** as an associate attorney. Tanzosh's practice will focus

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The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. Items may be submitted by email to carol@mbabar.org and are edited to fit column format and used on a space-available basis.

WILLIAM F. SCHULTE

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Bill Schulte is now focusing his practice on mediation, reference judging and conducting settlement conferences in family law matters. Bill has been an active litigator since 1966. He has been recognized as one of the "Best Lawyers in America" since the first edition in 1983. Bill is a member of the American Academy of Matrimonial Lawyers and a frequent contributor to legal education programs.

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MBA Board Elects Officers

The MBA Board elected the following officers for the term beginning July 1.

Peter H. Glade will advance to MBA President. He is with the firm Markowitz Herbold Glade & Melhaf PC and has been a member of the MBA Board since 2003 and is a Fellow of the American College of Trial Lawyers. He graduated from Lewis & Clark Law School and was admitted to the OSB in 1979 and the Washington Bar in 1985. He practices in the area of complex business and commercial litigation.



Peter H. Glade

Peter served on the MBA CLE Committee from 1999-2002 and was chair in 2001-2002. He has presented at MBA and OSB CLE programs and has participated in the Volunteer Lawyers Project at LASO. He is a member of the board of directors for the Portland Defense Consortium, a nonprofit organization of criminal defense lawyers who supply indigent defense services under contract with the Oregon Public Defense Services Commission.

Thomas W. Brown was elected President-Elect. He is the managing partner of Cosgrave Vergeer Kester LLP, where he practices in the areas of appeals, insurance coverage opinions and litigation, professional liability defense, arbitration and mediation. He earned a B.S. at the University of Texas at Austin in radio, TV and film in 1974 and a J.D. at Lewis & Clark Law School in 1980.



David A. Ernst

From 2001 to 2006, Thom served as program Co-Chair for the MBA Managing Partners Roundtable and is on the Board of Directors for the Classroom Law Project, which he chaired from 2003-2005, the Board of Visitors for the Lewis & Clark Law School, and the Executive Committee for the OSB Appellate Practice Section, which he also previously chaired.

David A. Ernst has been elected Secretary. He is the President of Bullivant Houser Bailey, responsible for the overall operation of the firm's six West Coast offices. Dave practices in the areas of products liability and food and beverage litigation. He graduated from Lewis & Clark Law School and became a member of the OSB in 1985 and the Washington State Bar in 1990.

Dave is a member of the Board of Visitors at Lewis & Clark Law School, the Board of Directors of the Classroom Law Project and is a past president of the Law School Alumni Association Board of Directors and the Oregon Chapter of the Federal Bar Association.

J. Michael Dwyer is elected Treasurer. He is a partner with



Thomas W. Brown



J. Michael Dwyer

Dwyer & Miller LLP. His practice now focuses on mediation, family law, and personal injury. After practicing in Los Angeles as a federal prosecutor and later in Honolulu, Michael came to Oregon in 1989 and joined Cosgrave Vergeer and Kester before opening his own practice in 1993. In recent years he has taken extensive training in mediation, which is now his primary passion and constitutes the bulk of his practice. He has served as chair of the MBA Court Liaison Committee and the MBA Judicial Screening Committee. He is currently involved with a program called Voices for Children, an interdisciplinary group dedicated to helping children in high conflict family cases. He is a Master with the Owen M. Panner Inn of Court and a member of OTLA and Oregon Mediation Association.

Nominated for MBA Director

Three four-year positions start July 1. Please look for the election ballot inside this issue.

Jeff Crawford, Director of Administration for the Professional Liability Fund (PLF), graduated from Lewis & Clark Law School and is admitted to the OSB and the Washington Bar. He received a B.A. in history from Reed College, attended the University of Kent in Canterbury, England and graduate school at the University of Washington in Seattle.



Jeff Crawford

In addition to managing the day-to-day operations of the PLF, Jeff oversees the Fund's Excess Program. He has chaired the MBA Group Insurance Committee for five years. The committee oversees a program that offers 10 plans from five health, dental and vision insurance providers which insures over 2700 members of law firms and law-related organizations plus their dependents. Jeff has written, taught and consulted widely on the subjects of legal malpractice, ethics, practice management and technology. He co-authored *A Guide to Setting Up and Running Your Law Office*.

Scott Howard is a partner at Kivel & Howard where he practices business law, succession planning and estate planning. He graduated from Whittier College School of Law, has been a member of the OSB since 1979 and is admitted to the California Bar.



Scott Howard

Scott served on the MBA Continuing Legal Education from 2002-2005 and as chair his last year on the committee. He currently is a member of the MBA Judicial Screening Committee. He also chairs the OSB Client Security Fund and was a member of the OSB Real Estate Section Opinion letter Subcommittee since 1998. He currently chairs the Portland Center for the Performing Arts Advisory Committee, is a Founding Trustee of The Park Academy, a school for learning challenged students and serves on the Portland State Foundation and Simon Benson Steering Committee.

Leslie Kay, Regional Director for the Multnomah County Office of Legal Aid Services of Oregon, attended Harvard and Willamette Law Schools where she received her J.D. She practices poverty law,



Leslie Kay

including public benefits, landlord-tenant, family law, elder law and civil rights law.

Leslie is a member of the MBA Court Liaison Committee. She also is a member of the Executive Committee of the OSB Elder Law Section, the Tri County Domestic and Sexual Violence Intervention Network, OWLS and the ABA. Previously she has been a member of the OSB House of Delegates, Chairperson of the OSB Affirmative Action Committee and Chairperson of the OSB Persons with Disabilities Committee. She also has served on the OCDLA amicus brief review committee, on the board of the Miracle Theater (Teatro Milagro) and has been active in the Portland Public Schools.

Tips from the Bench

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

Family law - child custody and parenting time evaluations

Because of the limited resources available from the Department of Family Services, Chief Family Law Judge Elizabeth Welch has implemented a new General Order restricting circumstances in which the Department of Family Services will conduct child custody and parenting time evaluations.

Effective immediately, the Department of Family Services will not perform child custody and parenting time evaluations in the following circumstances:

- Contempt or parenting time enforcement cases.
- Cases in which the current matter has been pending for more than six months.
- Cases in which the children are all over 15.

- Cases in which there has been a professional evaluation within the past two years, except to obtain an update. Updates will only be ordered where there has been a substantial change of circumstances since the completion of the last evaluation.
- Pending Juvenile Dependency cases.
- Cases in which the only matter pending is a Family Abuse Restraining Order Act (FAPA) restraining order.
- Cases of Probate Guardianship.
- Cases in which a parent is in prison.

The new General Order also provides that in cases where there has been a substantial break in the parent-child relationship, a history of abuse, or a significant criminal history, the first step would be



supervised visits, not an evaluation.

Requests for evaluations by the Department of Family Services are to be scheduled for any Friday morning at 8:20 am. No stipulations for such studies will be allowed.

Family law - mediation compliance procedures

Judge Welch has also implemented a new General

Order intended to enforce Multnomah County Circuit Court Supplementary Local Rule 12.015, which requires that before parents have a court hearing regarding child custody or parenting time, they participate in mediation.

Effective immediately, no pendente lite hearing regarding child custody or parenting time will be set unless the parties have obtained and complied with an order for mediation, unless the requirement for such an order has been waived by the court pursuant to SLR 12.015(4). Simply put, the parties must attend mediation subsequent to

the filing of the petition, unless the court waives the requirement.

When the parties or their lawyers telephone the court to report ready for trial in cases in which child custody or parenting time are issues, if mediation has not been completed, the case will not be assigned out for trial.

On cases in which a judge has retained the case, because that judge has previously heard disputed matters, that judge's judicial assistant will not set trial dates unless mediation has

Continued on p. 11

YLS Board Elects Officers



Catherine B. Brinkman

The YLS Board elected the following officers for the term beginning July 1.

Catherine B. Brinkman will be the YLS President. She graduated from Lewis & Clark Law School and was admitted to the OSB in 2000. Catherine is an associate with Schwabe Williamson & Wyatt and practices in the areas of construction and commercial litigation. She has been on the YLS Board since 2003. She is also a member of the Multnomah Bar Foundation Board of Directors, and is a land use planning commissioner with the City of Milwaukie. Catherine served on the YLS Service to the Public Committee, where she coordinated the MBA/Multnomah County Animal Services Hearings Officer Program. She has also been a speaker on the MBA's Professionalism Panel.



David I. Bean

David I. Bean will serve as the YLS President-Elect. He graduated from Lewis & Clark Law School and was admitted to the OSB in 2001. He practices family law and general litigation at Meyer & Wyse. David has been a member of the YLS Board since 2004 and served on the YLS Pro Bono Committee and is the YLS liaison to the MBA Court Liaison Committee. He is in a leadership role with the Owen M. Panner Inn of Court and is the YLS liaison to the LASO/Oregon Law Center Pro Bono Committee. He is also a committee chair and sits on the Board of Trustees of Lewis & Clark College Law School and serves on the Campaign for Equal Justice Mid Size Firm Committee and coaches mock trial at Jefferson High School.



Anne E. Koch



Cally Warfield

Cally Warfield will serve as the YLS Secretary. She graduated from Willamette University College of Law and was admitted to the OSB in 1999. She is with Hoffman Hart & Wagner and practices in the area of professional liability defense. Cally has been a member of the YLS Board since 2005 and served as chair of the YLS CLE Committee. She is also a member of the Oregon Association of Defense Counsel and the Defense Research Institute.

Anne E. Koch will serve for a second year as the YLS Treasurer. She graduated from Lewis & Clark Law School and was admitted to the OSB in 2001. She is with Motschenbacher & Blattner and practices in the areas of business and corporate transactions, intellectual property and entertainment law. Anne has been a member of the YLS Board since 2004 and chaired the YLS Membership Committee in 2003-04. She also served as treasurer of the OSB Computer and Internet Law Section and currently sits on the board of Disjecta.

Nominated for YLS Director

Three three-year positions start July 1. Please look for the ballot insert inside this newsletter.

Katie A. Lane graduated from Lewis & Clark Law School and was admitted to the OSB in 2003. She is with the Multnomah County Attorney's Office and focuses on library law and employment and civil rights litigation. Katie currently serves as chair of the YLS Service to the Public Committee, a member of the MBA Generation Gap Committee, the YLS Liaison to the MBA CourtCare Task Force and volunteers with the YLS Imprint Program. She chaired Community Law Week in 2005 and has served as a mentor for the Lewis & Clark Law School First-Year Mentor Program.

Andrew Schpak graduated from Cornell Law School and was admitted to the OSB in 2004. He is with Barran Liebman and practices in the area of employment and labor law. Andrew serves as chair of the YLS Membership Committee, a member of the MBA Fun Committee and a member of the ABA NLD Planning Committee for the 2006 Spring Meeting. He also serves on the resource council for Stark Raving Theatre and on the Board of Directors of Film Action Oregon and is a graduate of the Art of Leadership Program of Northwest Business for Culture and the Arts.

Kelly A. Struhs graduated from Saint Louis University School of Law and was admitted to the Missouri Bar in 2001 and the OSB

Continued on p. 11



Katie A. Lane



Andrew Schpak



Kelly A. Struhs

Profile: Referee Christopher A. Larsen, Multnomah County Circuit Court

By David Meyer, Court Liaison Committee member.

If you ask Pro Tem Judge **Christopher Larsen** when he began to think about pursuing a career in law, he laughs and says, "When I was in my early teens, my mom would tell me that I was good at arguing and I should become a lawyer." The Philosophy of Law class that he took from Professor Cheyney Ryan as an undergraduate at the U of O inspired him to pursue a legal career. After 13 years as a trial lawyer, Judge Larsen became a full-time Multnomah County Circuit Court pro tem Referee in 2004.

As a judge pro tem, Larsen has a wide variety of judicial responsibilities that run the gamut from misdemeanor and felony arraignments, to probation violation hearings, DUI diversion court, stalking protective order hearings, community court, FED trials, small claims trials and misdemeanor and traffic violation trials.

As an example of Judge Larsen's patience, during his first six months in FED court, a *pro se* litigant took much longer in trial than the parties had estimated. Rather

than cut the parties off or impose on the next day's busy docket, he allowed the parties to finish the case, although it meant leaving the courthouse after 9 p.m. He admits, "That was painful, but necessary to get the case resolved."

Judge Larsen is no stranger to hard work. Before graduating with honors from the U of O, he worked as a warehouseman in a box factory, drove a delivery truck, demolished and framed houses, sold newspaper ads and cooked in restaurants. He then landed a job in the Oregon House of Representatives as a legislative assistant.

After the legislative session ended, Larsen entered the U of O School of Law in Eugene. In law school, he was particularly drawn to constitutional law and trial practice, inspired by Professors David Schuman (now on the Oregon Court of Appeals) and Wayne Westling.

After graduating from law school in 1990, Larsen worked for the Coos County Public Defender in North Bend. In his first year, he handled

misdemeanor, felony, juvenile and civil commitment work. He notes, "I felt that I had found my calling. I loved the work."

Larsen then moved to Portland to be a staff attorney at the Multnomah County office of Metropolitan Public Defender Inc. A great deal of his enthusiasm for his criminal practice came from trial work. He enjoyed advocating for clients, investigating, researching and presenting their cases. He successfully litigated many constitutional issues for his indigent clients.

After many years as a public defender, Larsen moved to Rieke and Savage, where he practiced criminal law representing court-appointed and retained clients. It was during this time that a personal tragedy forced him to reevaluate his energy for his criminal defense practice. His cousin was kidnapped and murdered. Larsen agreed to be the victims' representative for the family. He says, "I did a lot of soul searching and came to realize

that in addition to advocating for a particular criminal defendant, the core of my work was as an advocate for every individual's rights. I have a great deal of respect and admiration for those dedicated members of the criminal bar - the public defenders and prosecutors who are in the trenches everyday"

After six years as a criminal defense attorney, he decided to explore another area of trial work - this time as a civil plaintiff's lawyer with Swanson, Thomas and Coon. In his two years at STC, he won all three of his civil jury trials, securing damages for his injured clients.

The partners at STC reignited his passion for bicycling. He began riding his bicycle regularly, something he had not done since college and continues to this day. Every Monday and Thursday at noon, you will likely see Judge Larsen (sans robe) with his other "bicycle buddies" gathering at Pioneer Square for the MBA noontime bicycle ride. Currently, he is working to establish an education and safety diversion program for motorists, bicyclists



Judge Christopher Larsen

and pedestrians who violate traffic laws. The program would enable a first-time violator to obtain a dismissal of the charge or a fine reduction in exchange for successful completion of a "share the road" safety and legal education class at a local hospital.

Outside of his work, Judge Larsen and his family enjoy spending time in the outdoors. He and his wife, attorney Kelly Skye, are the proud parents of two daughters. A native Oregonian, he spends most of his free time snow skiing, backpacking, fly-fishing and running rivers in his grandfather's antique McKenzie River drift boat. Larsen comes from third-generation river guides, all graduates of the U of O. He notes, "Kelly and I are drawn to the outdoors and want to instill in our kids respect and admiration for our environment."

Community Law Week: A Preview and Call for Volunteers

By Kristin Sterling, Stoel Rives and Community Law Week Chair.

Community Law Week is an annual effort of the MBA YLS Service to the Public Committee designed to provide legal education, access and assistance to the public. Every year, the committee organizes and hosts a week of activities centered around ABA's Law Day, held annually on May 1. Additionally, the committee plans to host a community forum and debate to discuss this year's Law Day theme, *Liberty Under the Law: Separate Branches, Balanced Powers*, as it relates to the Foreign Intelligence Surveillance Act and the president's secret executive order authorizing the National Security Administration to conduct warrant-less wiretapping. The forum and debate is tentatively scheduled to be held on the Portland State University, with co-sponsorship from several PSU departments, and will be supported (in-part) by a grant from the League of Women Voters Education Fund and the Program on Constitutional and legal Policy of the Open Society Institute.

I hope you'll join us in celebrating Community Law Week, May 1-6, by volunteering

your time to any one of the projects listed below. You may contact the individuals listed below or sign up to volunteer for any of these at the Community Law Week Web site. Sign up is easy! Just visit www.mbabar.org/community-law-week/ and sign up to volunteer by submitting your contact information. There you may also view project details and volunteer information.

Dress for Success - Donate clothes or become a firm captain in this clothing drive that benefits low-income women by providing suits and professional outfits for qualifying women who seek to develop their careers. Contact Trung Tu at trungtu@mcewengisvold.com or Jennifer Durham at durham@bmsc-law.com.

Tell it to the Judge - Join judges at the Lloyd Center Mall on May 6 from 12 to 3 p.m. and encourage shoppers to speak with the judges about their questions or opinions regarding the courts and legal system. Contact John McVea at j@mcvealaw.com.

Legal Information Centers - Help your fellow citizens effectively use our legal system

by answering basic questions and offering referrals. Contact Angela Engstrom at ale@all-lawyer.com.

Community Forum - Help the committee organize a community forum and debate at PSU, tentatively scheduled to take place on Law Day. Contact Kristin Sterling at khsterling@stoel.com.

Community Law Week would not be possible without our generous sponsors. It's never too late to become a sponsor or volunteer! If you or your organization is interested in sponsoring this year's Community Law Week, please contact Justin Leonard at jleonard@bjllp.com.

Thank you to our 2006 sponsors (as of print time):

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We would also like to thank our continuing "Banner Sponsors:" Barran Liebman LLP and Cosgrave Vergeer Kester LLP. Look for the Community Law Week light post banners in downtown Portland later this month!



Third Year Law Student Open House

An Open House for Oregon's Third Year law students was hosted by Davis Wright Tremaine on February 23. The event, organized by the YLS membership committee, drew students from all three of Oregon's law schools, and provided an opportunity for the law students to candidly discuss the practice of law with members of the Young Lawyer Section. MBA President-Elect, Peter Glade, YLS President, Eric Waxler and YLS committee chairs were also on hand to socialize with the law students.



YLS Membership committee members Brad Macomber, Jenni Marsh and Kennedy Luvai talk with Lewis & Clark law student, Elizabeth Engberg.

YLS PDE Committee Networking Seminars

We all know we need to network if we want to be successful. What nobody tells you is how to do it, and how to do it well. We generally know that we should attend seminars and meetings and participate in groups to build our network, so what happens once you get there? What do you do at the meeting and what should you do afterwards?

The YLS Professional Development and Education Committee is now offering you

the tools to network successfully. On May 1, *Successful Networking* will be hosted by Dawn Sward Pastores of DSP consulting. She will provide tips, tools and techniques on effective networking. On May 8, Paul Burton will present *Business Development*. Burton is a former attorney who works exclusively with lawyers and law firms. He will focus on business development and how to make the most of your networking opportunities. This two-part seminar series is intended for all of us who enter a room full of

strangers and think, "now what?" The seminars take place from 12-1 p.m. at the Standard Insurance Center. You may register for both classes at the combined rate of \$25. See the flyer in this issue for registration details or call the MBA 503.222.3275.

Would you like to attend the MBA's 100th Anniversary Celebration at the Portland Art Museum on May 13, but can't afford to?

Do you make less than \$40,000 per year?

The YLS is pleased to offer 16 free tickets to the celebration.

First come, first served. You must meet income criteria.

Please contact Kathy Maloney (kathy@mbabar.org) or Judy Edwards (judy@mbabar.org) at the MBA.

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MBA

YOUNG LAWYERS SECTION

Thank you, MBA, for 25 years of support!

To participate in the YLS, please visit www.mbabar.org.

Meet Multnomah's finest judges!

Celebrate spring by joining your friends at the Meet the Judges Drop-in Social
Event Benefits CourtCare

Fernando's Hideaway, 824 SW 1st Ave., 5:30 p.m.
on Thursday, April 20

The MBA YLS Membership Committee encourages young lawyers to take advantage of this opportunity to meet Multnomah County and federal judges, as well as other newer lawyers.

This event will also include a raffle to benefit Multnomah CourtCare, a free childcare service that provides children with a safe and comfortable place in the courthouse. Many low-income adults faced with court business must bring young children to the courthouse, and it is important to shield them from witnessing intimidating and sometimes disturbing conflict in the courtroom. CourtCare protects children from such conflict and allows parents to seek access to legal services without worry or disruption.

Prizes to be raffled include a Furniture Gallery chair and ottoman, gift certificates to local restaurants and spas, jewelry, artwork and more! You do not need to be present at the event to win raffle prizes. If you are interested in purchasing raffle tickets before the event, they may be purchased at the MBA office, located at 620 SW 5th Ave Ste 1220.

If you have questions or comments, please call Membership Committee members Nicholle Winters at 503.326.8323 or Maya Crawford at 503.224.4086.



By Marc Abrams, Oregon Department of Justice and Court Liaison Committee member.

Clackamas Bar Report

Kristen David, President of the Clackamas County Bar Association, attended the meeting as a part of the committee's commitment to liaison to neighboring bar associations. She reported on the appointment of Steven Maurer as Presiding Judge, and on his priority for getting the Oregon Judicial Conference's Standards of Timely Disposition taken seriously in Clackamas County. She also discussed the need for more judges; Clackamas County received one new position in 2005 to be effective in January 2007, but remains underserved even with that addition. And, like Multnomah County, she said, the court facilities are inadequate to support the current needs of the court in Clackamas County.

Courthouse Report

Doug Bray told the committee that the presiding judge had reported to the Multnomah County bench, at Judge David Gernant's request while away on vacation, that he plans to retire on April 1, 2006. Judge Gernant's present term of office expires in January; the position is on the ballot for the next general election. Discussion ensued about providing notice to members of the pending vacancy so that individuals who wished to file for election for this position would have the opportunity to do so. A motion to recommend that the MBA Board circulate information regarding the vacancy passed.

Newly minted Judge Adrienne Nelson, a member of the Court Liaison Committee, told the committee that she was sworn in on February 28 as a judge following her appointment on February 16 by Governor Kulongoski to Department 4 of the Circuit Court. Her formal investiture is March 23 at 4 p.m. in the PSU Ballroom.

The committee received a copy of a resolution to be introduced

by Commissioner Lisa Naito. The resolution will be on the March 23 agenda of the Board of County Commissioners for approval. The resolution directs the county to begin a site acquisition process for a new courthouse in downtown Portland. MBA President Kelly Hagan and members Ed Harnden, Charles Williamson and Carlton Hodges, along with Presiding Judge Dale Koch and Chief Criminal Judge Julie Frantz, have been asked to speak in support of the resolution.

Subcommittee Reports Jury Verdict Subcommittee

Another format for potential report was presented and discussed. This format displayed cases with verdicts and money awards to judgment creditors. The committee was pleased with this presentation of the information and requested only that another column be added to indicate whether the judgment creditor was a plaintiff or defendant. The committee discussed methods of making the report available and recommended that information be posted on the MBA Web site.

OJIN Subcommittee

The office of the State Court Administrator is considering adding the capacity for one additional email address per lawyer for notifications of court hearings by email. This had been recommended by the subcommittee in its review of the OJIN Email Notice System.

Judicial Practices Subcommittee

The current judicial practices survey is being circulated so it may be updated in time for the April 5 MBA CLE.

Century of Service

The MBA's celebratory event will be May 13, 7 p.m. to midnight at the Portland Art Museum with two bands, food, cake, a champagne toast and much more.

CourtCare

WinterSmash was a success, raising approximately \$14,500 and attracting 180 folks, including 40 or more children. April 24 through May 5 is the CourtCare Fundraising Campaign.

Emergency Safety Planning Committee

Chair Hagan reported that she is, by appointment of the MBA President, serving on this committee, chaired by Judge Tennyson. The committee discussed challenges that would arise should the courthouse be disabled, as Marion County's has been. That facility, damaged by a fire on November 13, 2005, remains out of commission months later due to asbestos and smoke spread throughout the entire building.

New Business

UTCR proposed rule changes are posted at www.ojd.state.or.us/programs/utcr/.

The fall Judicial Brown Bag drew 50 persons to Judge Wilson's Courtroom. Details of the spring session, organized by Judge Christopher Marshall, will be announced soon.

Nominated for YLS Director

(continued)

in 2004. She is with Stoll Stoll Berne Lokting & Shlachter and practices in the area of real estate transactions and general business. Kelly serves as chair of the YLS Pro Bono Committee and is a member of the ONLY Committee, which is a pro bono coordinating committee comprised of representatives from the YLS, OSB Pro Bono Committee, ONLD, LASO and OLC. She is a member of the MBA Generation Gap Committee, the OSB Real Estate and Land Use Section and Commercial Real Estate Women (CREW). Kelly also serves as a member of the Board of Directors of Camp Fire USA Portland Metro Council and secretary of the executive committee.

PRO BONO VOLUNTEERS

Thanks to the following lawyers, who recently donated their pro bono services via the Volunteer Lawyers Project, the Senior Law Project, Community Development Law Center, law firm clinics, the Oregon Law Center, the Nonprofit Project and Attorneys for Youth. To learn more about pro bono opportunities in Multnomah County, check out the *Pro Bono Opportunities in Oregon* handbook, available at www.mbabar.org/docs/ProBonoGuide.pdf.

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Karen Knauerhase	Richard Vangelisti
Eric Kodesch	Kathryn Villa-Smith
Linda Larkin	Robert Wilkinson
Andrew Lauersdorf	Mark Williams
David Low	Terry Wright

Tips from the Bench

(continued)

occurred. Parties confirming trial readiness with the retaining judge's office will be expected to confirm completion of both mediation and the parenting time education requirement.

In cases in which a party is seeking modification of child custody or parenting time, a mediation order will be a condition to the setting of a hearing date. If any cases come before the court without the completion of mediation, the hearing will be reset, and the parties will be sent to mediation.

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The MBA thanks the following members, who gave more than the \$20 "check off" suggested donation to the Volunteer Lawyers' Project (VLP).

Please remember to look for the check off box on your membership renewal form, and be as generous as possible when donating to VLP.

Roger Gray

Bruce Dusterhoff

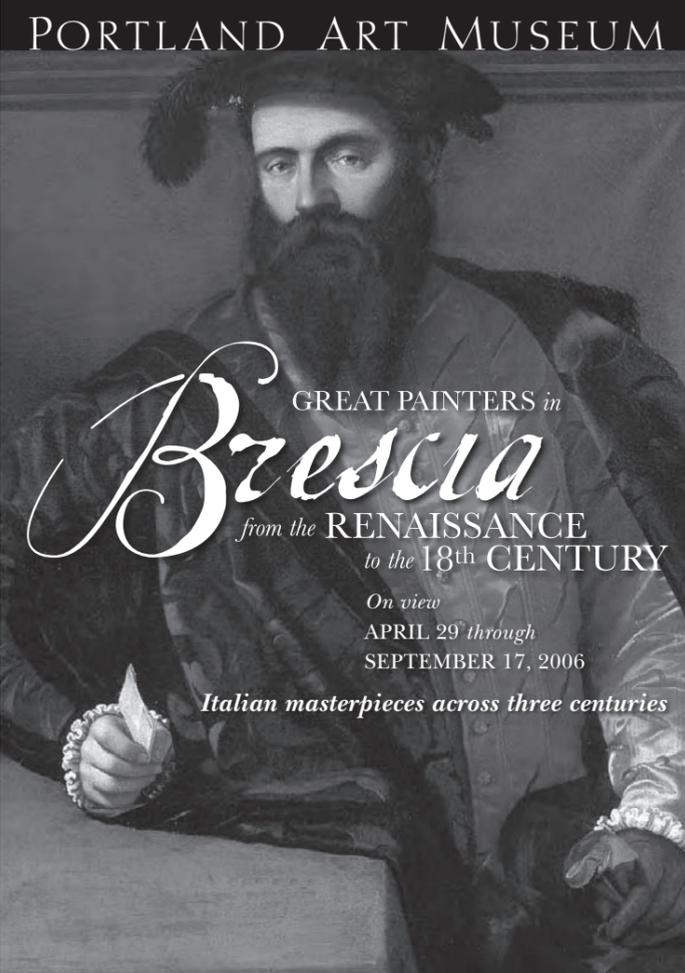
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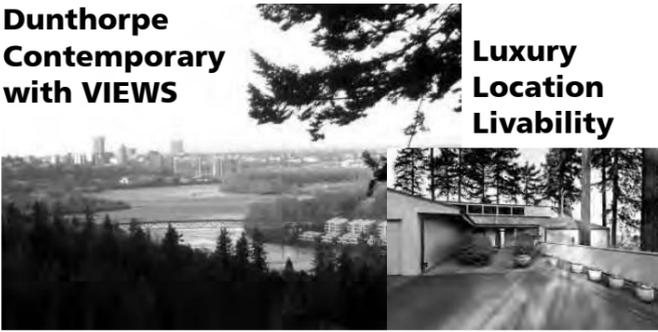
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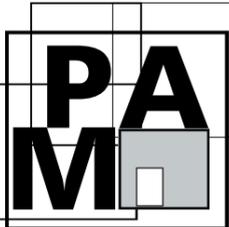
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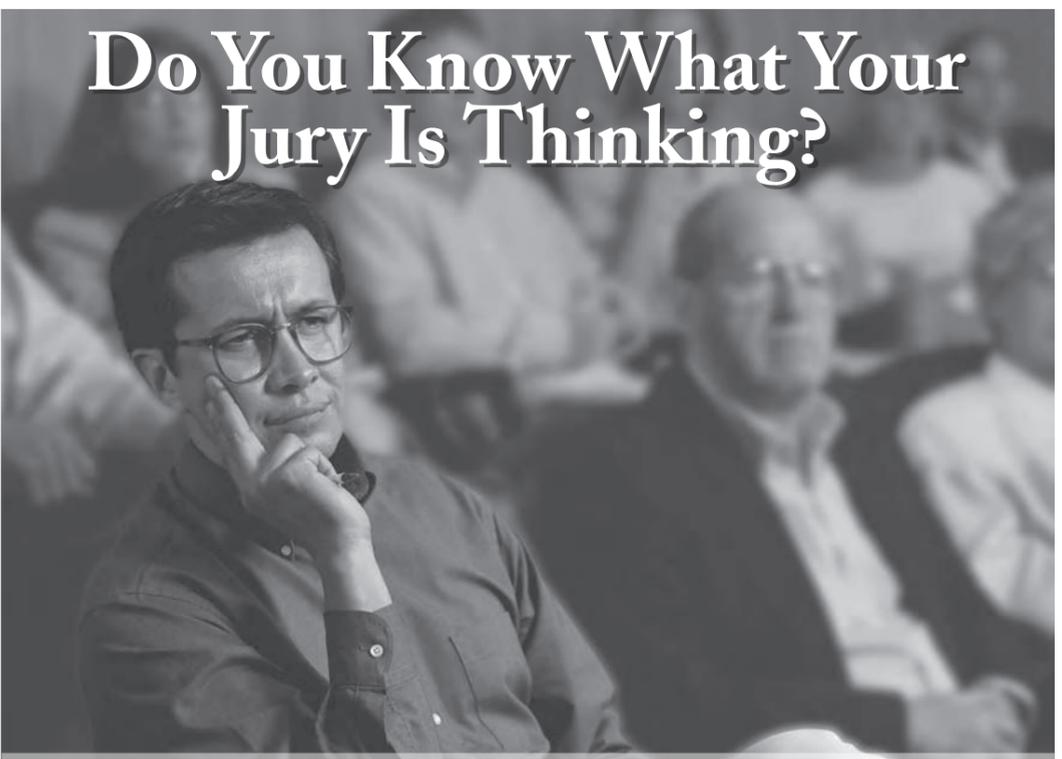
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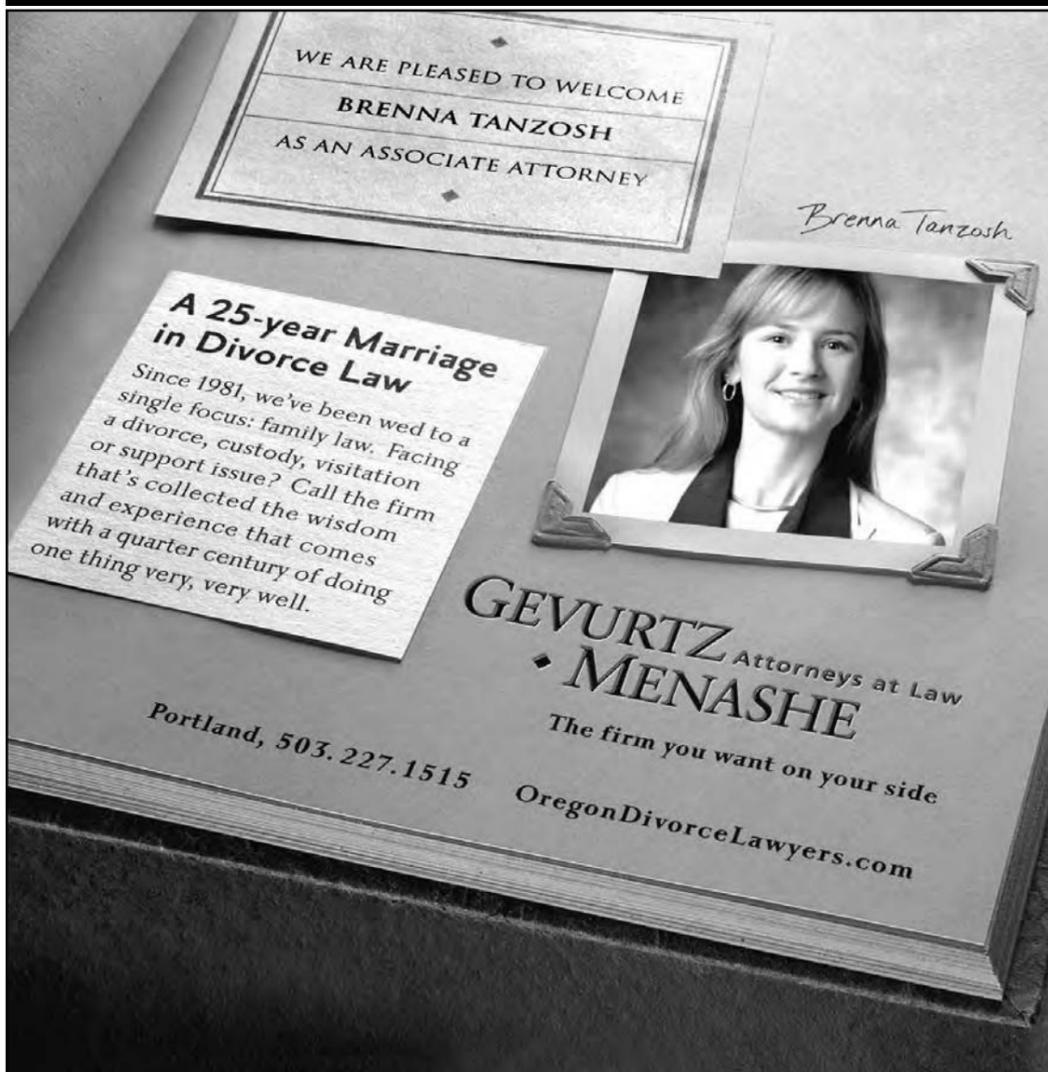
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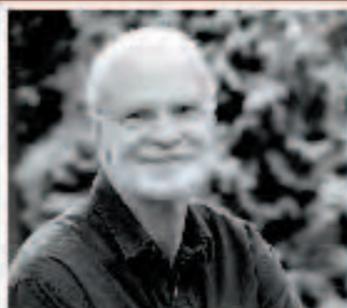


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The Multnomah CourtCare program provides free, drop-in childcare for those children in the Multnomah County Courthouse. The program is operated by Volunteers of America Oregon. Space and budget limitations keep the program from accommodating all who need care, but it has served more than 4,400 children since opening in December 2001.

CourtCare receives some public funding, but without the financial support of the legal community, its doors would close.

In addition to seeking contributions from individuals, the CourtCare Campaign stages a competition among law firms and other organizations, including the DA’s Office, Metro Public Defender and Multnomah County judges and courthouse staff. Last year’s “Proudest Pride” award went to Davis Wright Tremaine for largest firm contribution, and Williams Love O’Leary, Craine & Powers won the “Loftiest Leap” award for highest per capita contribution.



For more information, contact campaign co-chairs, Susan Marmaduke (susan.marmaduke@harrang.com), Marshal Spector (mspector@gevurtzmenashe.com), or visit the MBA’s Web site at www.mbabar.org.



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