



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

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

June 2008 Volume 54, Number 6



My 15 Minutes of Fame, So Many to Thank, the Year Ahead and a Link in a Chain

By Thom Brown, MBA President.

It's hard to believe, but this is my last column. The year has flown by. I've enjoyed these 11 months as the MBA President a great deal.

The job has allowed me to come to understand the MBA better and,

through that understanding, admire more the work it does and all that I think it can achieve in the future.

At least one of you might recall, in my first column, I noted the trepidation I had experienced over writing not just that column, but in having to write 10 others over the course of my term. As it's turned out, I've loved the opportunity to express my thoughts on a number of important topics. It's been challenging and fun. I hope along the way, I've said some things that inspire all MBA members to, for example, mentor younger lawyers and support pro bono, CourtCare, a new courthouse and the "rule of law."

I was sandwiched between two very talented (and highly competitive and strong-willed) brothers, which brings me to the first point of the title of this column. The younger brother, Jonathon, a social psychology professor at the University of Washington, has authored one of the leading textbooks in his field of expertise. The older brother, Aaron, has anchored the news nightly for ABC and CNN and soon will be back on the air with PBS. I know my columns won't be read in graduate psychology classes across the country or viewed by millions of people on their TVs, but, if I do say so myself, I think they are a small, respectable body of work. And, because I admit – even at 56 – that there is still lingering sibling rivalry, the columns give me "my 15 minutes of fame" and that takes away one "distinction" that my older and younger brothers can't laud over me in those rare – but still existing – moments when we act as if we are 12, 9 and 7 again.

The second part of the column's title is pretty obvious, I think. First and foremost, I want to thank Judy Edwards, the MBA Executive Director, and her staff. They were great to work with this year. The MBA is very lucky to have these talented, dedicated people. Second, I want to thank this year's officers and board members. They have shown me again and again that they have great energy, creativity and dedication to the MBA's mission. Third, I want to thank the various committee chairs and members. Without them, the MBA couldn't do very much at all. And, finally, I want to thank all of you – the MBA members – for supporting the MBA. It's an organization worthy of your support because it strives hard to meet your needs.

The third part of the column's title is also pretty obvious. Under Michael Dwyer's leadership, a very strong group of officers, and three wonderful new board members, I expect great things in the year ahead, both in terms of moving forward with existing programs and initiatives and with new programs and initiatives. Michael has

some very exciting (and "new age") ideas. I also expect great columns from Michael, who is a very serious student of writing. Again, I encourage those of you who are not actively involved with the MBA to take the opportunity next year to get involved. There will be much to do and you'll enjoy doing whatever part you play, I'm sure.

One of my earliest meetings last fall frames the fourth point of the column's title. I was at a meeting in the conference room at the MBA office and there were no chairs left to sit in. So I sat on a credenza. Hanging on the wall right behind me was a plaque containing the names of all the past presidents. I saw that William Marion Cake was the president 100 years earlier, in 1907-08. I was struck by the fact that the organization had existed for that long and decided to look into who Cake was and what the key issues of the day were during his term as president. As it turns out, I found out some interesting things.

As for Cake, he was born in 1861. He became a member of the Oregon Bar in 1886 and was a city attorney, county commissioner, county judge and practicing attorney in Portland. In fact, he was a founder of the firm now known commonly as McEwen Gisvold. He became MBA president at 46.

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Photos from the event will appear in the July/August issue of the Multnomah Lawyer.

New MBA and YLS Directors Announced

The following members have been elected to the position of Director on the MBA and YLS boards.

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Clerk to US District Court Judge Malcolm F. Marsh

Recently appointed to the YLS Board to replace Kelly Struhs was:

Nicholas A. Kampars

Davis Wright Tremaine

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NEW ON THE SHELF

By Jacque Jurkins, Multnomah Law Librarian.

ADVISING THE SMALL BUSINESS: Forms and advice for the legal practitioner by Jean L. Batman. Published by the ABA General Practice, Solo & Small Firm Division, 2007. (KF 1659 B38)

SUPERSEDING AND STAYING JUDGMENTS: A national compendium. Published by the ABA Tort Trial and Insurance Practice Section, 2007. (KF 9025 S87)

AN ESTATE PLANNER'S GUIDE TO QUALIFIED RETIREMENT PLAN BENEFITS, 4th ed. by Louis A. Mezzullo. Published by the ABA Section of Real Property, Probate and Trust Law, 2007. (KF 3512 M49 2007)

STREET LEGAL: A guide to pre-trial criminal procedure for police, prosecutors, and defenders by Ken Wallentine. Published by the ABA Criminal Justice Section, 2007. (KF 9619 W35)

GLOBAL CLIMATE CHANGE AND US LAW, edited by Michael B. Gerrard. Published by the ABA Section of Environment, Energy, and Resources, 2007. (KF 3775 G56)

THE GREATEST HITS IN PROBATE LITIGATION. Course materials from the May 18, 2007 Oregon Law Institute program in Portland. (*KF 765 O7 O73g)

CONSTRUCTING CORE COMPETENCIES: Using competency models to manage firm talent by Heather Bock, with introduction by Robert Ruyak. Published by the ABA, 2006. (KF 318 B63)

FEDERAL DISTRICT COURT LAW CLERK HANDBOOK, by Calvert G. Chipchase. Published by the ABA General Practice, Solo & Small Firm Division, 2007. (KF 8807 C48)

LAND USE PLANNING AND DEVELOPMENT REGULATION LAW, 2d ed. by Julian Conrad Juergensmeyer and Thomas E. Roberts. Published by Thomson/West, 2007. (KF 5692 J84 2007-)

KANE ON TRADEMARK LAW: A practitioner's guide, 5th ed. by Siegrun D. Kane. Published by the Practising Law Institute, 2007. (KF 3180 K35 2007-)

RISK MANAGEMENT: Survival tools for law firms, 2d ed. by Anthony E. Davis and Peter R. Jarvis. Published by the ABA Law Practice Management Section and Center for Professional Responsibility, 2007. (KF 318 D38 2007)

LABOR AND EMPLOYMENT LAW IN THE NEW EU MEMBER AND CANDIDATE STATES, edited by Anders Etgen Reitz. Published by the ABA Section of International Law, 2007. (Labor KF 3319 L32)

REAL ESTATE FINANCE LAW, 5th ed. by Grant S. Nelson and Dale A. Whitman. Published by Thomson/West, 2007. (KF 695 N45c 2007-)

THE PULSE OF HEALTH CARE IN OREGON: News from the 2007 legislature. Course materials from the October 12, 2007 Oregon Law Institute program in Portland. (* KF 3825 O7 O73)

CALENDAR

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

June

3 Tuesday, MBA Board meeting

8 Sunday, YLS Board Retreat

10 Tuesday, July/August Multnomah Lawyer deadline

Tuesday, MBA Golf Outing at Riverside Golf Club
See insert or www.mbar.org for details.

12-14 Thursday-Saturday, OCDLA Conference at Seventh Mountain Resort
Visit www.ocdla.org for details.

13 Friday, Justice Betty Roberts and OWLS
Visit www.oregonlawyers.org for details.

13-14 Friday-Saturday, MBA Board Retreat

19-22 Thursday-Sunday, OADC Annual Convention
Visit www.oadc.com for details.

21 Saturday, SALC Race for Justice
Visit www.salcgroup.org for details.

25 Wednesday, MBF Board meeting

July

4 Independence Day – MBA closed

24 Thursday, MBA Golf Outing at Edgefield Pub Course
See insert for details.

31 Thursday, OMLA Summer Social and Auction at World Trade Center
Visit omla.homestead.com for details.

August

5 Tuesday, MBA Board meeting

8 Friday, September Multnomah Lawyer deadline

12 Tuesday, YLS Board meeting

13 Wednesday, MBA Golf Outing at OGA Members' Course
See insert for details.

14-16 Thursday-Saturday, OTLA Convention
Visit www.oregontriallawyers.org for details.

27 Wednesday, MBF Board meeting

September

1 Monday, Labor Day – MBA closed

10 Wednesday, MBA Golf Championship at Langdon Farms
See insert for details.

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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

Defensive Lawyering Revisited Part 2: During the Representation



Last month, we started looking at what I call defensive lawyering - managing your practice in a way that tries to reduce civil and regulatory risk by documenting the key milestones in a representation. Last month's column focused on the beginning of a representation. Next month, we'll look at concluding a representation. This month, we'll examine three areas that can arise during a representation where defensive lawyering applies: (1) documenting major client decisions; (2) obtaining waivers for conflicts that arise after a representation begins; and (3) modifying fee agreements midstream.

Documenting Major Client Decisions

When we begin a new matter, we all hope that it will produce a good result for the client and that the client will appreciate the skill and hard work that went into obtaining that good result. At the same time, we also know that not all representations turn out that way for a variety of reasons. Sometimes the reason is that the client made a major decision against our advice or took a calculated risk that didn't play out. In those instances, it is important to document who made the call that produced that result. Even with the best of intentions and honorable motives, memories fade and recollections can vary from reality. It's also human nature to second guess when events go sour. In the absence of clear documentation, some of that second-guessing may be pointed in the lawyer's direction. Documenting key client decisions need not necessarily be elaborate or overly detailed. Although the significance of the client's decision in the context of a particular case or transaction will dictate the level of detail involved, a quick email to the client following a telephone call, a reply email or even a time sheet entry will often suffice. It is the contemporaneous record that will be important later. Confirming key decisions with the client also fosters clear communication between the lawyer and the client.

Midcourse Conflict Waivers

We usually think of conflicts and conflict waivers as occurring at the outset of a representation. Conflicts can, however, arise once a representation has already begun. We need to be attentive to possible conflicts as a representation proceeds and, if a conflict arises, we need to obtain appropriate waivers (assuming the conflict is waivable).

Modifying Fee Agreements

As we discussed last month, the best time to deal with hourly rate increases is at the outset of a representation by building a mechanism for periodic adjustment into your engagement agreement with the client. Sometimes that hasn't happened or the nature of the modification involved is beyond the scope of the mechanism included in the engagement agreement. (This situation should be distinguished from one where the lawyer is taking on new or separate work for a client - even if related to earlier work. That situation is governed by the contract formation rules we discussed last month.) Once an attorney-client relationship has been formed, a lawyer's ability to bargain with a client over the financial aspects of the arrangement is constrained by the lawyer's fiduciary duty to the client.

The Oregon Court of Appeals in *Welsh v. Case*, 180 Or App 370, 382-83, 43 P3d 445 (2002), found that whether a fee modification that includes taking a lien in a client's real property constitutes a business transaction with a client (thereby triggering the heightened conflict waiver standards now found in RPC 1.8(a)) depends on a "case-by-case determination." Regardless, OSB Formal Ethics Opinion 2005-97 (at 2) concludes regarding all fee modifications:

"A modification of a fee agreement in the lawyer's favor requires client consent based on an explanation of the reason for the change and its effect on the client.... In addition, the modification must be objectively fair."

Summing Up

The twin threads of defensive lawyering are clear communication with the clients and documentation of those communications that the lawyer can rely on later. Both the communication and the record are as central to decisions made during a representation as those that frame it at the beginning and close it at the end.

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

ANNOUNCEMENTS

Update Your Practice Areas Online

MBA members may now select as many areas of practice as they would like to include in their online directory listing. If you have not already selected your practice areas, please update your listing now by visiting www.mbar.org. The old practice areas will be removed soon.

Criminal Defense Lawyer Annual Conference Set in Bend

Oregon Criminal Defense Lawyers Association's 29th annual conference, featuring three days of CLE seminars and social events, occurs June 12-14 at the Seventh Mountain Resort.

For information, visit www.ocdla.org.

Betty Roberts Book Signing and Reception at Oregon Historical Society

On Friday, June 13, Oregon Women Lawyers will celebrate the life and career of former Justice Betty Roberts at a CLE and reception to mark the release of her autobiography, *With Grit and By Grace: Breaking Trails in Politics and Law*.

A distinguished group of presenters will discuss the themes and events in Justice Roberts' autobiography and their impact on the political, legal and social landscape of Oregon. MCLE credit application is in process. The registration fee is \$75 and will include a copy of the book.

After the CLE, the public is invited to attend a free reception in the main lobby of the Oregon Historical Society. Light appetizers will be provided, along with a no-host bar.

For more information, visit www.oregonwomenlawyers.org or call 503.595.7826

Child Centered Solutions and Henry L. Hillman Jr. Foundation Present June 13 Seminar

The seminar, *Handling High Conflict Parents While Helping Their Children*, features Bill Eddy, author of *High Conflict People in Legal Disputes and Splitting: Protecting Yourself While Divorcing a Borderline or Narcissist*. This seminar is designed to help professionals work more effectively with parents or guardians suffering from personality disorders and to learn ways to mitigate the impact of high conflict on children. Six CLE credits are pending.

For details, contact info@childcenteredsolutions.org or 503.546.6383 or visit www.childcenteredsolutions.org.

St. Andrew Legal Clinic Announces its 8th Annual Race For Justice

Legal community and friends race to fund legal services for low-income families

Saturday, June 21, St. Andrew Legal Clinic (SALC) will hold its 8th Annual Race for Justice in Portland. The race begins at 10:15 a.m. at The Madeleine Parish on NE 24th Ave. Walkers and runners will participate in a 5k course. A Kids' Fun Run also will be held for children ages 3-10. A post-event party will immediately follow the

race in The Madeleine Parish Hall, where participants will enjoy free pizza, beverages and awards.

For more information or to register, please call 503.281.1500 ext. 24, or go to www.salcgroup.org.

MBA Bicycle Rides

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

Oregon Minority Lawyers Association (OMLA) 9th Annual Auction and Raffle

The event is Thursday, July 31, in the courtyard of the World Trade Center, 121 SW Salmon in Portland at 5:30 p.m.

This year's auction continues the tradition of fine items to bid on, delicious refreshments to eat and drink and good friends to visit.

Proceeds fund scholarships to Oregon bar exam review courses that help increase the passage rate of ethnic and racial minorities and also help fund the annual Opportunities for Law In Oregon (OLIO) retreat, a nationally recognized program providing incoming minority law students with the opportunity to meet each other, upper division students, judges, bar leaders and other lawyers who can serve these students as mentors and role models.

Admission is \$10 for lawyers and judges, \$5 for law students. RSVP to Anastasia Yu Meisner at aym@guyermisner.com or 503.697.1035.

President's Column

Continued from page 1

As for the MBA, while Cake was president, the organization:

- Made regular recommendations for new laws and legislation.
- Paid \$100 to Robert G. Morrow, who served as "...special Emissary of the Ass'n to Salem in the interests of legislation proposed by the Ass'n..." for the 24th Session of the Oregon Legislature.
- Had committees for Membership, Auditing, Legislative and Entertainment.
- Discussed a new law library and whether members of the MBA were actually considered members of the library association (and could therefore utilize the library).
- Received a commendation from the National Municipal League, now known as the National Civic League (Teddy

Roosevelt and others were founders of this organization for promoting civic change).

- Approved a resolution to increase the justices of the Oregon Supreme Court from three to five.

Obviously, Cake was much more of "a player" than I am. But he - like me - led the MBA for a year and he, like me, is thus a "link in the chain" that is the MBA. I suspect Cake's link was very strong. I hope mine has been reasonably strong, too. And I hope that the chain continues and that an MBA president in 2107-08 can't find a seat at the conference table, sees Cake's name and my name on the past presidents' plaque, and takes some time to look back 100 and 200 years to learn who we were and what the MBA was doing when we were fortunate to lead it.

Well, that brings me to the fifth - and last point - of the column. Thank you for the opportunity to serve as the 2007-08 MBA President. It's been a challenging, interesting and rewarding experience and one that I hope many of you reading this column will have some day. The MBA is an excellent organization and it is doing great things. My small role in keeping it that way is largely over. Through your continued support, I'm looking forward to the organization staying strong, relevant and meaningful for its members for a long time to come. And, I'm looking forward to seeing who among you help the MBA do that in the years ahead.

A Knowing Show of Support

By Pam Stendahl, Bodyfelt Mount Stroup & Chamberlain, and a working parent of two children.



The MBA Equality Committee provides articles that highlight activities and programs which promote and provide better understanding of the diversity in our legal profession and in our community. If you would like to recognize an individual, group or firm for their commitment to equality, please contact Kathy Maloney, staff to the MBA Equality Committee. The following is the fifth article in this series, and recognizes the activities and programs of the Bodyfelt Mount Stroup & Chamberlain firm in its ongoing efforts to support a diverse law profession and community.

It's 6:30 a.m. Your 8-year-old child who went to bed last night seemingly healthy has just run to the bathroom vomiting. You have a lawyer coming from Salem for a deposition in your office at 9 a.m. If you have a live-in nanny or a spouse who is not employed outside the home, the answer is easy. For a two-working parent household or for a single parent, your morning has just become very stressful and complicated. If your own retired mother doesn't live nearby, you need to start making calls to cancel the deposition. Because your assistant doesn't arrive at the office until 8:30, your task quickly becomes non-delegable. This includes trying to find the home telephone number of your opposing counsel before he starts driving north on I-5 and your client, who was ready and anxious to tell his side of the story. And don't forget the court reporter, or you'll be paying the no-show fee. You have another concern as well. You have to call the office and tell them you won't be in today. How will the managing partner react?

The law firm that employs you may not be able to make this particular

morning any easier for you in terms of your sick child, but there are law firms that welcome and support working parents, even single parents. I know. I work at one.

Bodyfelt Mount Stroup & Chamberlain LLP (BMSC) is a 12-lawyer firm in downtown Portland. Of the 12 lawyers, nine have children and six are women. Of the five partners, two are women. The lawyers range from married with children to single with no children, to divorced with children, to single (no second parent) with children. The firm's Web site boasts that "we are as much committed to emphasizing good health, physical fitness, recreation and family relationships as we are to quality legal practice." Having worked here now for over two years, I can tell you this is true – particularly with regard to family relationships. It was not surprising to me that the Oregon Women Lawyers recently chose the firm to be a joint recipient of the Workplace Leader Award. That award recognizes law firms that are taking innovative measures to maximize opportunities for women and minorities to succeed

in the workplace and advance to positions of influence and leadership.

BMSC's firm culture supports quality legal work by acknowledging that a balanced life often leads to well-rounded and well-adjusted lawyers. Well-adjusted lawyers are not only productive, but fun to work with. As such, BMSC had a reasonable billable hour expectation of its lawyers. Perhaps this is so because four of the five partners have children under the age of 10. They each appreciate that working parents need to attend parent-teacher conferences, dental appointments and the occasional visit to the emergency room. They also appreciate that there are times when attending a child's musical performance or sporting event is more important than billing the last two hours of the day. Reasonable billable hour requirements go a long way in balancing family and work obligations and, in my view, garner the loyalty and dedication of individual attorneys to the firm. The results of this are seen in the very low attrition rate at BMSC.

Continued on page 6

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Show of Support

Continued from page 5

This saves the firm the investment of time and money to recruit, hire and train new attorneys.

BMSC also does not require mandatory "face time" in the office. That's not to say that the office is not fully staffed with attorneys from morning until evening on weekdays and occasional weekends. What it does mean is that no one feels any obligation to show up on a Saturday morning to be seen by others, or to be perceived as "partnership material." BMSC is a business, though, and the lawyers put in their time. However, there is a welcome informality about whether you prepare for oral argument in your office or in your dining room. I often opt for the latter.

Reasonable billable hour requirements and mandatory office time are perhaps obvious

benefits to working parents. BMSC exceeds those benefits in many other respects. It is not uncommon to hear a child's voice in the hallway, even on weekdays. We have a stock of art supplies, toys and videos for the times when our children accompany us to the office. Perhaps because so many of the attorneys and staff at BMSC have young children, the firm regularly plans functions to include the children. Last summer our firm party was on Sauvie Island and included the rental of a giant water slide, to the delight of the 12-and-under crowd! In December, we hosted a family event in which all employees and their families were invited to gather at Pioneer Courthouse Square to listen to holiday music and return to the office for pizza, hot chocolate and a hand-selected gift for each

child. These activities bring the office together in important ways. We all know each other's children by name. We exchange brochures for summer camps. We share recommendations for books, plays and other adventures. So, when one of us calls in to report that we will not be in that day because our child woke up vomiting, instead of disdain, we receive a knowing show of support. What better place to work? What better way to retain a cohesive group of lawyers committed to a great firm?



O.M. (Met) Wilson

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AROUND THE BAR



Scott Brooksby and John Kaempf

BROOKSBY KAEMPF

Located in downtown Portland and founded by **Scott Brooksby** and **John Kaempf**, the new civil litigation firm offers comprehensive litigation services to insurers, businesses and individuals.

The firm focuses on personal injury defense and products liability litigation, church and religious organization defense and risk management consulting for businesses and insurers. New address is 121 SW Morrison St. Ste. 1100, Portland OR 97204, phone is 503.295.7755, Web site is www.brooksbykaempf.com.



Jeff Bird



Carmen Calzacorta



Christopher Lewis

SCHWABE WILLIAMSON & WYATT

The firm named **Jeff Bird** as co-leader for the finance and securities group, **Carmen Calzacorta** as group leader for

the general business practice group, **Christopher Lewis** as group leader for the intellectual property practice group and **Margaret Hoffmann** as co-leader for the products liability practice group.



Margaret Hoffmann

Bird has more than 25 years of experience assisting clients with complex business transactions.

Calzacorta focuses her practice in the areas of corporate and securities law with an emphasis on securities law compliance, corporate finance transactions, mergers and acquisitions and general corporate matters.

Lewis focuses his practice in the areas of patent prosecution, intellectual property litigation and assisting clients with patent portfolio strategy and management.

Hoffmann has focused her products liability litigation practice for the past 18 years in the areas of personal injury defense with an emphasis in the defense of pharmaceutical companies for ethical drugs and medical devices. She also has significant expertise in employment-related work.



Shawn Lindsay

LANE POWELL

Shawn M. Lindsay joined the firm's intellectual property and business practice groups. Lindsay's primary area of focus is representing clients with intellectual property needs.

As a member of the firm's emerging company and venture investment group, Lindsay also works with start-up and early stage businesses in corporate formation, securing intellectual property rights and early stage financing.



Lynn Nakamoto

MARKOWITZ HERBOLD ET AL **Lynn Nakamoto**, managing shareholder of the firm, has been recognized as one of the top businesswomen in Portland. Nakamoto received an Orchid Award at the 2008 Women in Business Party & Expo. The award honors top women leaders in business.

In addition to managing the firm, Nakamoto practices business litigation with an emphasis on civil appeals and employment law, representing both employees and employers. She frequently deals with civil rights claims, including claims based on age, gender, sexual orientation, disability, national origin and race discrimination.



Grace Y. Lee

STAHANCYK, KENT ET AL **Grace Y. Lee**, attorney at the firm's Portland office, has been elected a shareholder. Lee's emphasis is family law.



Rosemary A. Colliver

TONKON TORP

Rosemary A. Colliver has joined the intellectual property, trade and technology practice group as an associate. Her practice focuses on copyright and trademark issues, including litigation as well as licensing, recording and other intellectual property agreements.

The *Around the Bar* column reports on MBA members' moves,

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

The Corner Office

Mandatory Duty to Turn in Professional Misconduct

A hesitancy to turn in the misconduct of others is somewhat innate. Who doesn't recall the maxim we heard as children? "No one likes a snitch." From a professional perspective, such reluctance may stem from enforceability problems to a concern that such reporting could be misused as a case tactic. Combine this with the fact that cases on the subject are limited in number and clear direction. Nevertheless, our profession requires some compulsory reporting of professional misconduct to truly self-govern.

ORPC 8.3 (formerly DR 1-103) sets out the standard for mandatory reporting of another lawyer or judge's misconduct. A lawyer must report if he or she: 1) has knowledge; 2) that is unprivileged; which 3) raises a substantial question about the other lawyer's fitness or honesty. Both the Oregon rule and the bar seem clear on the second element. The duty of client confidentiality trumps the duty to report. See OSB Legal Ethics Opinion 1991-95 (client's request to maintain secrecy negates duty to inform). However, the "knowledge" and "substantial question" elements are more opaque.

The Mississippi Supreme Court addressed the knowledge element as follows: "Although his professional role may require a lawyer to take a detached attitude of unbelief, the law of lawyering does not permit a lawyer to escape all accountability by suspending as well his intelligence and common sense." *Attorney U v. The Mississippi Bar*, 678 So. 2d 963 (1996). To paraphrase southern eloquence you must "know" rather than "suspect" misconduct has occurred.

The "substantial question" element, which addresses the seriousness of the misconduct has proved harder to pin down. Failing to report suppression of exculpatory evidence resulted in discipline of a Louisiana lawyer under a model rule similar to Oregon's. *In Re: Michael G. Riehlmann*, 891 So. 2d 1239 (2005). However, a single instance of negligence even arising to the level of malpractice may not trigger mandatory reporting. Additional guidance on this topic can be found in Section 13.6 of the OSB CLE "The Ethical Oregon Lawyer."

Even if future case law gives us brighter lines, circumstances involving professional misconduct of others will usually be challenging situations. Remember, reporting misconduct is not limited to "mandatory" instances. Conduct that endangers the integrity of the profession will almost always warrant at least discretionary reporting as long as it does not impose upon client confidences. Determining when such conduct crosses the line from minor incompetence to egregious misconduct remains the challenging question.

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

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July 31, 2008
5:30 - 7:30 p.m.,
World Trade Center Outdoor Plaza



Tips from the Bench

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

Medical billings - the effect of write-offs and write-downs

Plaintiff treats with a medical provider who charges the “usual and customary” charges for the services, but the provider has a contract with plaintiff’s health insurance company or a governmental agency to “write-off” some of those charges in exchange for payment of a lower sum. There has been considerable controversy among lawyers and in court over how do deal with the consequences of these write-offs or write-downs.

On March 26, the Court of Appeals issued opinions in *White v. Jubitz Corporation*, 219 Or App 62 (2008) and *Cohens v. McGee* 219 Or App 78 (2008). These two cases appear to resolve these issues for all of us, pending anything further from the Supreme Court on these cases. In *White*, the Court of Appeals ruled that “reasonable charges necessarily incurred” ... are those charges to which a plaintiff becomes liable or subject when the plaintiff received treatment, without regard to amounts that a medical provider subsequently writes off.” And in *Cohens*, the Court of Appeals ruled that a trial court cannot, post-verdict, reduce a plaintiff’s award of damages by the amount written off.

Submission of proposed orders or judgments

Many lawyers have apparently not noticed the changes in UTCR 5.100 that affect the procedure for submission to the court of proposed orders or judgments in response to a ruling. UTCR 5.100(1) continues to contain specific requirements



for giving opposing counsel or an unrepresented party an opportunity to weigh in on the form of the order. The significant new provision, which many lawyers are not following, is a requirement that you submit to the court, attached to your proposed order or judgment, a “certificate describing the manner of compliance” with UTCR 5.100(1). Judges are returning proposed orders or judgments that do not have the new certificate attached.

Pleading a specific amount of damages

We continue to see, on occasion, a complaint that does not plead a specific sum of damages, and instead alleges damages “in an amount to be determined at trial.” ORCP 18B says that when damages are sought, “the amount thereof shall be stated.” We all know that it is sometimes difficult to know the exact amount of economic damages to seek when the complaint is filed, and sometimes the “right amount” of non-economic damages to seek changes as the case progresses. But these issues can usually be handled pretty easily by amendment.



By John Belknap, Smith Freed & Eberhard and YLS Board Liaison to Court Liaison Committee.

Report by Presiding Judge Jean Kerr Maurer

An MBA representative will serve on the Advisory Committee on Court Security and Emergency Preparedness (ORS 1.180). Trial Court Administrator Doug Bray announced that a new full-time employee will handle security and emergency preparedness planning for the Oregon Judicial Department’s facilities in Multnomah County (downtown courthouse, Gresham courthouse, etc.). This person will also review building access/I.D. card issues. One goal of this committee will be to involve judges and justice system partners in emergency preparedness planning for trial court operations. One of the goals of the emergency preparedness planning is to have Multnomah County avoid the problems that took place during Hurricane Katrina; the state courts in New Orleans lost all of their paper files, while the federal courts, which had an electronic records system, lost nothing. The need to prevent the loss of court records

in an emergency was one of the bases for legislative funding for the Chief Justice’s eCourt.

In conjunction with Community Law Week, *The Daily Journal of Commerce* published an article on May 1 regarding the status of the new Multnomah County Courthouse.

Judge Wilson is heading up a committee of five judges who will analyze whether civil trials are “vanishing,” whether this is creating problems with training attorneys and whether anything can or should be done about it.

There was a discussion about assigning judges to civil cases from the outset. Judge Maurer explained that the rule is not to pre-assign judges for cases that will last less than four days. For trials that are expected to last more than four days, judges may be pre-assigned five or six weeks before trial, if the parties inform the court. This is also necessary because the county needs to call special panels for longer trials.

CourtCare/Gresham Courthouse

The new Gresham Courthouse may have a separate room set aside for CourtCare. The architects who are planning the Gresham Courthouse were impressed when they saw CourtCare in the downtown courthouse.

Tips from the Bench

There was discussion of creating a rotating panel of judges to write Tips from the Bench after Judge Wittmayer publishes his final column this summer. Attorneys like this column and want it to continue.

Web site

A re-design of the MBA Web site is in the works. Various ideas about how to better access court information through this site were discussed. The new Web site will eventually contain both “public” and “member-only” sections.

Remarks by MBA Professionalism Award Winner Jeffrey M. Batchelor

Thank you for bestowing the MBA Professionalism Award upon me. When I compare myself and my modest professional accomplishments to the honorees who have preceded me and their professional accomplishments, I have to ask, “What in the world happened this year?” In fact, I asked myself that question immediately after I learned that I had been selected as this year’s honoree.

It did not take long to receive the answer. Shortly after Michael Dwyer called to inform me that I would receive the MBA Professionalism Award for 2008, I received an email message from Paul Hays, who, I later learned, was the person who nominated me for this honor. The subject line of the email read, “MBA Makes Huge Blunder.” In the body of the email, Paul wrote: “Against all odds, the MBA chose Jeff Batchelor as the recipient of the Professionalism Award for 2008. Insiders reported that after the announcement, several members of the selection committee shouted spontaneously

and in unison, ‘We just made a huge, huge blunder! What a terrible mistake!’”

I think and hope Paul was kidding, because I am very proud to have been chosen this year’s recipient of the MBA Professionalism Award. What an honor. The timing of this - I know too well that I am in the autumn of my career - makes this especially gratifying. I thank Paul Hays for nominating me. I express my gratitude publicly to those who I recently learned came forward on my behalf. Paul De Muniz, George Kirklin, Bill Barton, Frank Moscato, Ed Harnden, Rick Van Cleave, Larry Burke, and my partner Bill Mehlhaf - all of you, I thank you for your friendship all these many, many years.

Last, I extend my thanks to the MBA Board and to its selection committee, including those who reportedly shouted spontaneously and in unison that they had made a mistake in selecting me for this honor. I am especially grateful to the past recipients of this award

because you, and others like you, through your example, set the bar for me beginning in 1972.

The Professionalism Award is given to those who “hold the highest ethical standards,” to those whose “conduct in the law is exemplary,” to those who “make the practice of law enjoyable.” I do not claim to have made the practice of law enjoyable for others, but I know I have thoroughly enjoyed the practice of law myself - its challenges and its rewards - nearly every day for 35 years now.

Why is that? Why have I enjoyed the practice of law so thoroughly for so long? I don’t know why, exactly. But I know I have been inspired by judges and lawyers who have made “the practice of law enjoyable” for me.

I made a list of what it is in these judges and lawyers who have inspired me to be better than I am capable of being.

- **First**, I am inspired by lawyers and judges who understand the value of time. I am not talking about the value of time as in “time equals money.” That is not inspiring to me at all. I am talking about sharing time, experiences and wisdom with young lawyers, especially those in search of work or a mentor. I am inspired by judges and experienced lawyers who are never too busy to spend an hour over lunch or coffee or a beer with a young lawyer.

- **Second**, and related to the point I just made, I am inspired by lawyers who take seriously that we are more than mere attorneys, that we are attorneys and counselors at law. Many of you knew my older brother, DeMar. He was a lawyer in Hillsboro for about 25 years before his sudden death in 1991. As I took charge of winding up his affairs, one client after another told me how he or she had depended on my brother, not only because he was their lawyer, but more important, because he was their counselor. Lawyers who take



seriously that we are more than mere attorneys, that we are also counselors, inspire me to be better than I am capable of being.

- **Third**, I am inspired by lawyers and judges who take their jobs, but not themselves, seriously. To illustrate my point, I’ll tell a short story. One day in the 1990s, when the Chief Justice was a judge on the Court of Appeals, he wrote an opinion that reversed a judgment that I was trying to protect. The decision reasonably could have gone either way. I knew that, and so did Judge De Muniz. At least, I think he did. In any case, after I

Continued on page 9

Jim Hennings: A Man of Many Values and Visions

By John Connors, Metropolitan Public Defender, Inc.



Jim Hennings

The End of an Era

The symmetry is remarkable. Almost 37 years to the day from the date he started the Metropolitan Public Defender's (MPD) Office and inches from a location he was picked up by police as a 4-year-old runaway, **Jim Hennings** has announced his retirement as executive director at MPD. The salient facts are that Jim started the office July 1, 1971 and after hiring more than 300 attorneys, 1,000 staff that have handled approximately 350,000 cases his last day will be June 30.

There will be an open house at MPD at 4 p.m. on Friday June 27 in his honor and a much bigger celebration sponsored by the MPD Board later in the fall. You can ask him about the runaway story yourself.

The following article originally appeared in the 2005 November/December edition Oregon Defense Attorney published by OCDLA.

It's a small sign. It's been in his office forever. It was given to him by his son. It has a drawing of a large dragon. The script simply says, "Some days the dragon wins." The value it reflects is patience.

"Some days the dragon wins..."

It's a thin book. It's been in his office forever. The author is obscure, a Japanese monk. It's titled, *The Five Rings – the Way of the Warrior*. The values it reflects are respect for yourself and your opponents and balance in your life and plan of attack....

They're miniature cars and boats and airplanes. They've been there forever. They sit on the windowsill near his desk. They've been given to him over the years

by his daughter. They symbolize the bigger presents she wishes she could give him. It's an inside joke and understanding they share. Part of the understanding they have probably shared since the six months off Jim took after she was born to stay at home with her. The values they reflect are loyalty, the importance of family and a sense of humor.

It's a big desk. It's been there forever. It's as solid as a rock. It's made of two special woods that are native to Oregon – myrtle wood burls and black walnut. There is room around the table for lots of people. It invites participation. The values it reflects are steadiness, openness and pride in our state.

It's an unusual stuffed animal. Definitely not one you see everyday and maybe one you've never heard of – the meercat. It's on a shelf in a different part of his office – a gift from a traveling alumni attorney. It's a small animal but has an amazing ability to survive the harsh environment of Australia by working together and sticking up for one another in packs. It reflects the value of the team approach or as Jim likes to say, the idea that "they know if they take on one of us they take on all of us."

It's a familiar sight. When you step into his office it's where you will almost always find him – at the computer. It's part of the planning, strategic thinking and attention to details that have made him and the MPD such a success. The values it reflects are efficiency, a belief in technology and a vision for the future.

It's a tough business. The work of any attorney – let alone criminal defense attorney – let alone public defender – let alone head of the biggest public defender's office in the state – let alone for 37 years – would seem daunting

and often impossible. The statistics surrounding his career become staggering. He started the office in 1971. It was him and another attorney in a store front. Funding was from a less than reliable federal grant.

People have gone on to become judges, law professors, federal defenders, college professors, psychologists, social workers and winners of some of the biggest verdicts in the history of the state in both civil and criminal law. An illustrative example of the depth of that history is a former Jesuit Volunteer trial assistant recently argued in front of the US Supreme Court. Most important of all has been the quality of the work. Jim has always said, "If you're going to do something – do it right." The high standards he set for himself and the office became a benchmark and expectation for practice throughout the state.

"The high standards he set for himself...became a benchmark..."

One has to wonder how he has done it so well and for so long. Besides all the values mentioned above that Jim brings to work each day and instills in others, it is his philosophy. One of Jim's heroes from the time he was a small boy is Francis Marion, "the swamp fox" whose credo based in cunning and cleverness was "to live to fight another day." Jim expects people to do things the right way but to take care of themselves so they can take care of their clients. The emphasis is on being consistently effective instead of overly zealous or self-sacrificial. Every interview with an applicant includes a warning that he expects people to be protective of their lives, souls and families and not become addicted by the pressure, passion, purpose and

rewards of criminal defense and the public defender's office.

Another part of it is faith and humility. Jim genuinely believes in people. He believes in hiring the best people he can and then getting out of their way. People are hired for common sense and good judgment and expected to use it. The office philosophy is to have as few rules as possible. The clients come first. Every attorney handles his or her own case for each individual client from beginning to end, doing everything possible for that client within the bounds of law and ethics. Everybody is a trainer. People teach and support each other. The only competition is to help people do the best job they can and make the office the best that it can be. Jim's greatest satisfaction is in seeing others succeed. His greatest joy is watching members of the office get praise for work well done. It's all about the office. It's not

about him. He's made sure it never has been.

Another part is teamwork. The motto at the prep school Jim attended was "working together." It was a lesson that stayed with him and is alive and well in his office. Every attorney works within a team. Every team works within a section. Every section and every person is an important part of the office from the newest law student to the oldest secretary. Everybody makes a contribution. No job is more important than another. Jim is the only person who eats his lunch in the office lunch room every day so people know he's one of them. There is a group within the office called the Entertainment and Humanities Committee that

uses money earned from vending machines and bake sales to promote morale with an annual picnic, tee shirts and small tokens of thoughtfulness during times of trouble for employees. It reflects much of Jim's approach – a good idea that he wants others to take and make work.

The last and maybe most important things to mention are vision and innovation. It would be easy given the history and tradition of Jim and the office to let it become weighed down by its own success. That has not happened due largely to Jim's respect for new ideas and willingness to change. In fact he might say that has been the hallmark of his career – a willingness to experiment. Again there are lots of examples – a small group of associated public

"...a willingness to experiment..."

defenders that joins with the private bar and morphs into OCDLA or an invitation for him to be the first non-Catholic to sit on the Board of the Jesuit Volunteer Corps that leads to the use of volunteers as trial assistants at MPD and the genesis of the team approach. A job at his office is also an invitation to make things and the whole system better.

Professionalism Remarks

Continued from page 8

read the opinion, I put a smile on my face and a twinkle in my eye and wrote Judge De Muniz a note in longhand. "Dear Paul," I wrote, "You are full of ____ on this one.... Sincerely, Jeff." We had a good laugh. (Before anyone out there attempts to replicate this act of stupidity, understand that the Chief Justice and I have been friends since we both played football at Portland's Madison High School in the early 1960s. We have enjoyed an especially nice relationship for something north of 45 years.)

- **Fourth**, I am inspired by lawyers who, win or lose, always say "Next," and little more. There is a story behind this, too. I am inspired by lawyers who, after a victory - a well-earned victory, even - do not lose perspective, even for a moment, who know that they are not particularly special, just because they won. Rather, these lawyers who inspire me move quickly to the next case, to the next client, after

a satisfying win. After a big win, these lawyers always say little more than "Next."

There is another aspect of this. I am inspired by lawyers who, after a defeat - an undeserved defeat, even - do not lose perspective, even for a moment, who know that sometimes their side was just not meant to win. These lawyers, like their counterparts who have won, move quickly to the next case, to the next client, after a difficult loss. After taking a whipping in an important case, these lawyers, too, always say little more than "Next."

- **Fifth**, I am inspired by judges and lawyers who distribute credit for success to others and retain for themselves responsibility for mistakes or unfavorable results.

- **Sixth**, I am inspired by judges who never forget, not even for a moment, how hard it is to be an exceptional lawyer, or even to be good, and who therefore never embarrass a lawyer, especially a young one, in front of a jury, or a client, or anyone. I am

inspired by judges who do that.

- **Seventh**, I am inspired by judges and lawyers who treat their superiors, their subordinates, and their peers equally. A wise man once told me, if you really want to know a person, inquire of his or her subordinates.

- **Eighth**, I am inspired by judges and lawyers who understand the art of the apology. This, by the way, is an art that I have perfected. I am not particularly proud of this. I have apologized countless times to my wife, to my boys, to my friends, to my partners, past and present, to my clients, to my secretaries, and yes, to judges. I am inspired by judges and lawyers who understand the art of the apology, its place, and its meaning.

- **Ninth**, I am inspired by judges and lawyers who share their wealth with those less fortunate, with those in need. "Wealth" is relative, isn't it? Your \$50 is my \$500 and

my \$500 is someone else's \$5,000. I am inspired by judges and lawyers who share their wealth, whatever its dimensions, with others less fortunate than we.

- **Tenth**, I am inspired by judges and lawyers who never, or rarely, give advice. Many of you knew Jim Clarke, who died in 2000, of Alzheimer's disease. Rhodes Scholar. Yale Law School. Wonderfully gifted lawyer for 40 years. Entirely decent. He was my mentor in the law.

I have already mentioned my brother. He was my closest friend, my role model, the person I always consulted when I was in trouble or had an important decision to make.

Norm Sepenuk, who is in The Hague tonight, has been my "go-to" man since 1991, when I lost my brother. Those of you who know Norm understand why I always consult him when I am in trouble or have an important decision to make. Norm will always be special to me.

These three men are, or were, different in more ways than they were alike. But they all shared this marvelous gift of advising me without giving advice. Mostly, they listened and asked questions. Rarely, maybe never, did they offer serious advice. Being around them, though, observing their habits, having access to their thoughts - that is how I received the advice not given. I am inspired by judges and lawyers who never, or rarely, give advice.

I could expand on that, but we are out of time. I therefore end with my brother DeMar, my mentor Jim, and my friend Norm, because, except for my parents and my college wrestling coach, they have most profoundly shaped my professional life. I will save for another day an explanation of how a collegiate wrestling coach named Fred Paul Davis could profoundly shape my professional life. I end here with my public thanks to my brother, my mentor and my friend. I am honored.

Reaching Out to the Community and Local Youth - Community Law Week 2008

By Jennifer Durham, Bodyfelt, Mount et al and YLS Service to the Public Committee Chair.

The members of the YLS Service to the Public Committee once again recruited members of the Multnomah County legal community to host Community Law Week (CLW) for the general public. The theme was *The Rule of Law: Foundation for Communities of Opportunity and Equity*. Over 70 law firms and legal professionals donated their time and resources to CLW, an annual event that provides legal education, access and assistance to the public. As before, this year's CLW volunteers coordinated a clothing drive for the Dress for Success charity at local law firms, organized a "Tell it to the Judge" event at Lloyd Center Mall and hosted Free Legal Information Booths throughout Multnomah County. Courthouse tours were renewed.

This was the second year for The YOUthFILM Project, a student filmmaking contest, encouraging local youth to express themselves creatively while learning more about our government and justice



Jennifer Durham and Robin Bellanca welcomed people to the YOUthFILM Project Screening

system. Committee members Rosemary Colliver, Lainie Dillon, Jennifer Durham, Laurie Hagar, Amber Hollister, Steve James, Katie Lane, Justin Leonard, Kathy Maloney, James Miner, and Judith Parker were instrumental in creating and organizing this successful project.

Nearly 100 students produced short films on "Rule of Law" topics. On April 29, Oregon Supreme Court Chief Justice Paul J. De Muniz presented awards to the teams of elementary, middle and high school student filmmakers at the second annual YOUthFILM Project screening and awards ceremony. Nearly 270 people attended a screening of the students' short films, on topics ranging from what the students would do if they were elected president, to demonstrating the benefits of the rule of law - and the pitfalls of not having it in place. The young filmmakers were excited to meet Justice De Muniz and honored to have him present their awards. They kept him busy signing autographs and posing for photographs. For more information and to view winning films, please visit www.theyouthfilmproject.org.



Hollywood Theatre marquee for YOUthFILM Project screening

CLW would not have been possible without the following individuals on the YLS Service to the Public Committee:

Aaron Bass of Sather Byerly & Holloway and Amber Hollister of the Governor's office co-chaired this year's 2008 Community Law Week.



YOUthFILM Project award winning filmmakers from Lincoln Park Kids Club

Jeff Hern of Schwabe Williamson & Wyatt and Aaron Bass served as this year's CLW fundraising co-chairs.

Jodie Ayura of Bodyfelt Mount Stroup & Chamberlain LLP and Olivia Zirker created brochures and posters that were distributed throughout Multnomah County and sent press releases and advertisements to more than a dozen area publications and organizations.

Cashauna Hill of Ashcroft Wiles Amman LLP and Sara Couch of Shelley L Fuller & Associates organized this year's Legal Information Booths, involving 12 attorneys at nine locations throughout Multnomah County.



Judge Diana Stuart (right) with mall patron at the Tell it to the Judge event

Scott Ceiko of the Clackamas County District Attorney's Office and Derek Green of Davis Wright Tremaine recruited eight judges from Multnomah County Circuit Court to meet with the public and answer questions for "Tell it to the Judge."

Winter Drews and Iaysha Smith of Lehner & Rodrigues PC, Gina Delahunt of UEA, Inc., and Jill Stewart of Markowitz, Herbold, Glade & Mehlhaf PC renewed courthouse tours. Eight attorney

volunteers provided guided tours of both the Multnomah County Courthouse and the Justice Center.

Cortney Duke of Schroeder Law Offices PC and Olivia Zirker organized a clothing drive for Dress for Success of Oregon, an organization that helps women get back on their feet and prepare for the workforce. Nine "Law Firm Captains" encouraged their colleagues to donate.



Justin Leonard, Lainie Dillon and Justice De Muniz present the HorseLovers.com! team with their award

CLW is truly an amazing collaborative event of the Multnomah County legal community. If you were unable to participate this year, please consider joining us next year. For more information, contact Jennifer Durham, durham@bmsc-law.com.

Thanks to The Classroom Law Project for sharing volunteers for Saturday Academy, courthouse tours and school contacts.



C.W. Houck Middle School filmmakers, recipients of the YOUthFILM Project classroom achievement award

Thank you Community Law Week Sponsors

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Special Thanks to

Chief Justice Paul J. De Muniz



April Social a Success

By Marisol Cordero-Goodman, Kaori Tanabe and YLS Membership Committee.

On Thursday, April 24, the YLS Membership Committee held its annual Meet the Judges Drop-in Social at the Hotel Monaco, which was generously sponsored by Schwabe Williamson & Wyatt.

This year's social again included a raffle benefiting Multnomah CourtCare, a free childcare service in the courthouse. YLS acknowledges the support of local businesses that donated prizes for the raffle, which generated over \$1,300 for CourtCare: Bishops Barbershop, Blush Beauty Bar, Colin Morton-Maxson of Lloyd Athletic Club, El Gaucho, Hilton Portland & Executive Tower, Marriott-Portland Downtown of Marriott Hotels and Resorts, Matt Larson, Paloma Clothing, Perkins Coie, Pix Patisserie, Schwabe Williamson & Wyatt, Typhoon, Veritable Quandary and Westin Portland of Westin Hotels and Resorts.

Thank you to all who participated. We look forward to seeing you again next year.



Christiane Fife, Rebecca Lindemann, Sean Ray, Traci Hopfe and Judge Paula Kurshner at the April social

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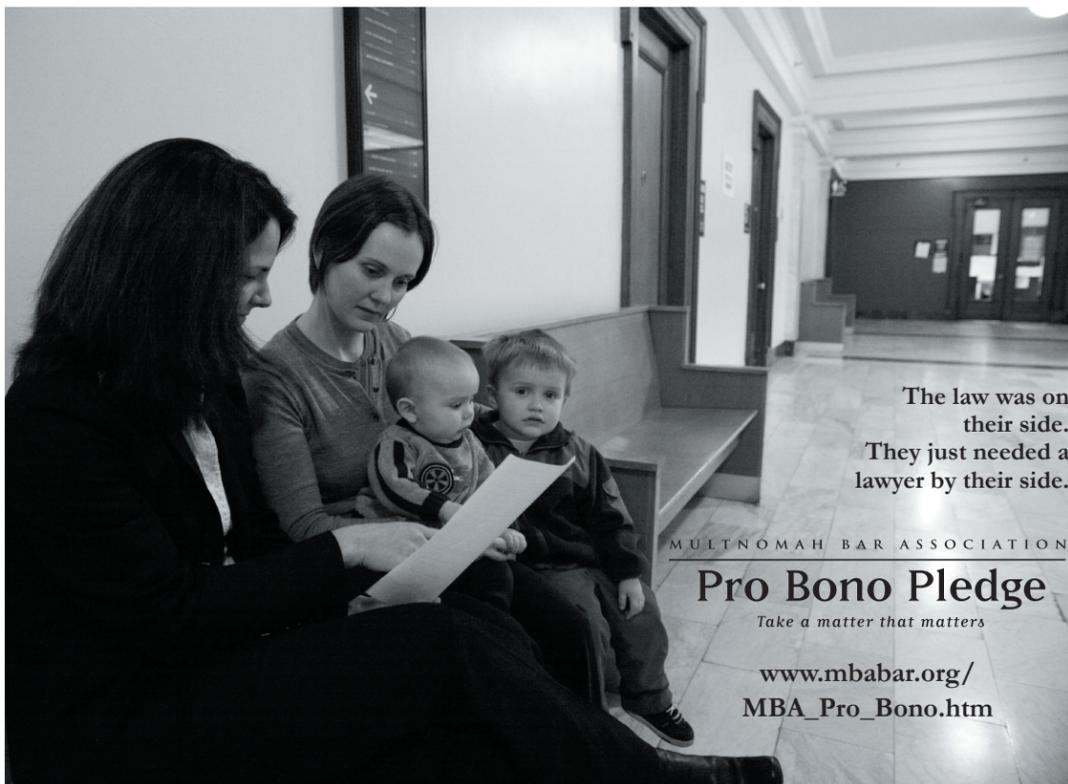
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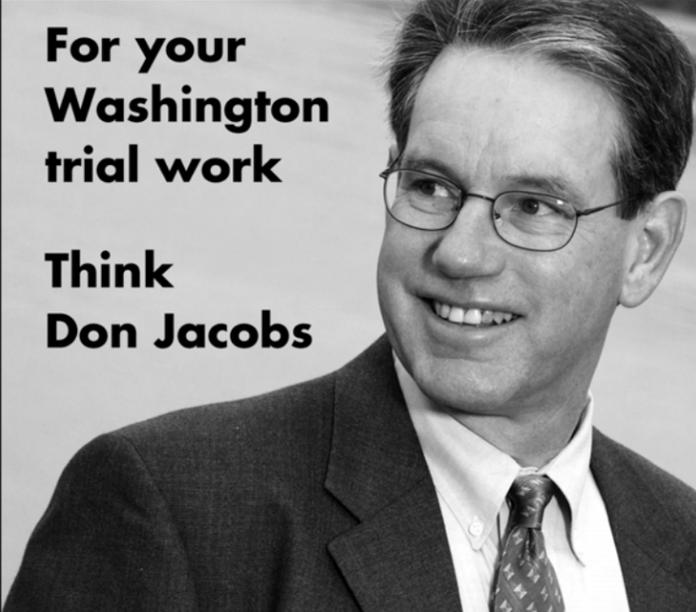
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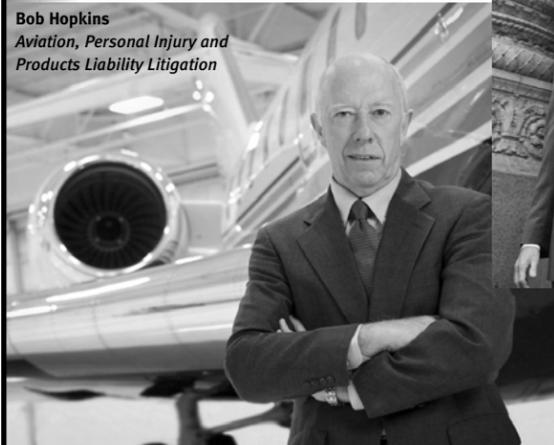
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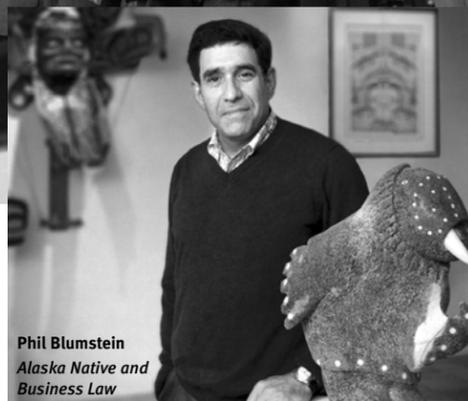
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Foundation Awards Grants to Five Nonprofits Organizations chosen for civics-related programs

by Kennedy Smith, MBA.



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The Multnomah Bar Foundation (MBF) received a record number of applications for its 2008 grant cycle. In total, 15 nonprofit organizations applied for grants – far more than any other grant cycle in the MBF's history.

The MBF has awarded grants to the five organizations that clearly fit within its mission to increase the public's understanding of the

legal system; to promote civics education, public participation and respect for the law; to improve the quality and administration of the legal system; and to support programs and projects related to the foundation's purpose. The grantees are:

- The MBA YLS YOUthFILM Project will receive \$1,000 to continue its annual student filmmaking event. The Foundation Grants Committee agreed that because the project is popular and is gaining momentum, the foundation wants to continue its support.

The MBF has awarded a past \$1,000 grant to the program.

- The League of Women Voters will receive \$1,116 to publish information about Multnomah County Circuit Court candidates in its nonpartisan voters' guide. The foundation felt that the project fits within the MBF's mission and gives the voting population a better understanding of candidates.
- The Oregon Progress Forum, also known as the Oregon Bus Project, will receive \$4,000 to teach high school juniors and

seniors in more than 40 high schools about civic engagement. The program is designed to educate students about the political process, increase youth voter turnout and develop next-generation civic leadership.

- Elders in Action has been awarded \$4,000 for a project to inform seniors about how to become active participants in the legal system and help shape policy. The MBF cited Elders in Action's strength in aiming toward a group that is valuable to the foundation's goals.

- The Classroom Law Project will receive \$8,700 to support and expand its successful "We the People" program. The nonprofit will use the grant to expand to new schools and continue support of the five existing sites made possible by a \$25,000 MBA Community Gift Fund. The MBF felt that the group's goals are clearly aligned with civics education.

In total, the MBF awarded \$18,816. Congratulations to all MBF grantees.

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