



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community. October 2008 Volume 54, Number 9



Learning To Apply the Brakes

By Michael Dwyer, President, Multnomah Bar Association.

I don't have time to write this column. And you don't have time to read it. Much less to spend a day at an MBA program devoted to stress reduction. We have briefs to write, hostile witnesses to undress, hours to bill. We must answer emails arriving

at supersonic speeds; run a gauntlet of meetings and conferences; hold clients' hands. Deadlines hover like the blade of a guillotine. But the stress all this produces is precisely why we must seize this unique opportunity, and STOP. Stop for one day - October 31 - and take care of ourselves instead of everyone else. Stop - and register - for an MBA program that will help us remember how to breathe, relax our jaw muscles, open our ears, and learn from some very wise people how to handle stress.

"Stop for one day - October 31..."

Ours is not an easy profession. And, perhaps by temperament, certainly by training and culture, we are not always easy people. Psychologist Martin Seligman wrote in *Authentic Happiness*: "Lawyers are trained to be aggressive, judgmental, intellectual, analytical and emotionally detached. This produces predictable emotional consequences: he or she will be depressed, anxious and angry a lot of the time." Law Professor Leonard Riskin has written that our mindsets, while possessing great strengths, also promote "egocentric behavior, excessive adversarialism, and a lack of balance between personal and professional aspects of life, which often lead to unhealthy levels of stress, to experiences of isolation, emptiness, and absence of meaning, and to the rendering of inadequate or inappropriate services."

That many of us work in the fiery cauldron of the adversary system doesn't help. And technology, while providing great benefits, has hardly proved to be a messiah. With new toys we cram more work into less time, now fractured into billable nanoseconds, and as soon as we master a new technology, it becomes obsolete, forcing us, like Sisyphus, to again climb the mountain of learning.

That we suffer is plain to see. High percentages of lawyers experience symptoms of mental dis-ease. Compared to other professions and to the general public, we have high rates of depression and substance abuse. We also have low levels of work satisfaction. Many of us struggle to find the meaning and purpose that motivated us to become lawyers in the first place. Some simply drop out; others require clinical help.

But when it comes to programs on stress reduction, oddly, we balk. We are more comfortable with slaying dragons in the external world, so we don't come easily to self-care and the world inside ourselves. In fact, we often proclaim perverse pride in the demands and stresses of our work. "I'm up to my eyeballs" becomes a cry not for help, but rather a boastful badge of success.

Denial and minimization reinforce our self-image as gladiators, while seeking help is a signal of weakness and vulnerability, which we believe our opponents will seize upon to vanquish us. A skeptical lot by experience, we will not be taken for fools at a trendy, self-help table.

"The fact is that while we love control, and think we possess it in abundance, we have none at all."

The fact is that while we love control, and think we possess it in abundance, we have none at all. Our brains, so often our best friends, turn out to have a life of their own that we cannot tame. Try as we might, we can't shut them down or turn them off when we'd like, and so we lie awake at night in the grip of their frenzied racing - about the past (Did I settle for too little? Pay too much?), or the future (Will my expert hold up? Will the judge exclude my best evidence?).

Most all of our waking lives, we live anywhere but in the present moment. Ironically, that turns out to be the "place" we must locate for relief from the vice-grip of stress. Jon Kabat-Zinn, who has been so instrumental in

"In a world of nonstop activity, mindfulness is the practice of non-doing."

bringing "Stress-Based Mindfulness Training" to the medical community, writes how practicing mindfulness involves learning how to tune into each moment of our lives in an effort to remain awake and aware from one moment to the next.

In a world of nonstop activity, mindfulness is the practice of *non-doing*. He speaks of learning to step outside the flow of time and reside in stillness.

His description makes me recall those moments of total immersion in
Continued on page 5

"Absolutely social" social The Grape Escape

Tuesday, October 21
The University Club
5-7 p.m.

RSVP via insert in this issue

Featuring Oregon wines selected by attorneys Albert Menashe and Matt Levin especially for the social. Drop in after work for wine tasting and catch up with friends and colleagues.

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MBA CLE

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October

Wednesday, October 8
Big Practice Tips for the Small Firm
Dee Crocker
Nicole Ciccarello
Michael Heilbronner

Wednesday, October 15
Child Abuse Reporting
* *Worth one Child Abuse Reporting credit*
Helen Hierschbiel

Thursday, October 16
Estate Planning in 2008
Scott Howard
Nikki Hatton

Tuesday, October 28
Tools of Persuasion: Using Technology to Advance Your Cause
Troy Moody
Peter Richter

Friday, October 31
Taking Care of Ourselves (while we're busy taking care of others)
Stress reduction for legal professionals
Alan Wallace
Michael Zimmerman

November

Wednesday, November 19
Eliminating Racial Bias in Justice System
* *Worth three Access to Justice Credits*
Justice Edwin Peterson
Khalil Zonoozy

December

Tuesday, December 2
Dealing with Difficult Clients and Counsel
* *Worth two Ethics Credits*
Roy Pulvers
Rob Shlachter

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*or the preceding Friday, if on a weekend.

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MEMBER RESOURCE CENTER

Welcome to the new MBA *Multnomah Lawyer* Resource Center. Your MBA Board of Directors suggested that we revise this space to tell members about a variety of resources that they may access through the MBA. We expect this column to evolve as members suggest additions and focus topics. Please send your ideas to Judy Edwards, judy@mbabar.org.

American Bar Association Publications

MBA members receive 20% off the price of publications available on the ABA publications Web site. The ABA has a vast collection of books, magazines, journals, newsletters and e-products to help you advance your career. If you would like to take advantage of this opportunity, simply visit www.ababooks.org, select your publication and enter the MBA member source code (PAB5EMUL) when you check out.

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MBA Web site: Job Notices, MBA Publications, Court Documents and Links
Job notices change weekly. Members may download free copies of past issues of the newsletter, "Tips from the Bench" by topic and various handbooks and reports. Useful links take you to law-related organizations,

court information and law libraries. Visit www.mbabar.org/MBA_resources.htm.

New on the Shelf at the Multnomah Law Library

By *Jacque Jurkins, Multnomah Law Librarian.*

THE ABA STANDARDS FOR CRIMINAL JUSTICE: DNA evidence, 3d ed. Project of the ABA Criminal Justice Standards Committee, Criminal Justice Section. Published by the ABA, 2007. (KF 9666.5 A93)

CRIMINAL PROCEDURE, 3d ed. by Wayne R. LaFave. Published by Thomson/West, 2007. (KF 9619 L34 2007)

FEDERAL CORPORATE SENTENCING: Compliance and mitigation, rev. ed. by Jed S. Rakoff and Jonathan S. Sack. Published by Law Journal Press, 2007. (KF 9685 R35 2007)

2007 LEGISLATIVE ANALYSIS OF CRIMINAL AND JUVENILE LAWS. Compiled by Ann Christian and Amy Elkanich. Published by the Oregon Criminal Defense Lawyers, 2007. (KF 9223 C46)

JUDICIAL CONDUCT AND ETHICS, 4th ed. by James J. Alfini. Published by LexisNexis, 2007. (KF 8779 A54 S53 2007)

ATTORNEY-CLIENT PRIVILEGE: What's hot and what's not. Course materials from the November 16, 2007 Oregon Law Institute program in Portland. (*KF 8959 A7 O7 O73 2007)

THE ART OF CROSS-EXAMINING EXPERTS. Course materials from the November 3, 2007 Oregon Law Institute program in Portland. (*KF 8920 O7 O73a)

EYEWITNESS TESTIMONY: Civil and criminal, 4th ed. by Elizabeth F. Loftus, James M. Doyle and Jennifer E. Dysart. Published by Lexis/Nexis, 2007. (KF 9672 L63 2007)

SANCTIONS: The Federal law of litigation abuse, 4th ed. by Gregory P. Joseph. Published by LexisNexis, 2008. (KF 8840 J67 2008)

A COMPLETE GUIDE TO PREMISES SECURITY LITIGATION, 3d ed. by Alan Kaminsky. Published by the ABA, Tort Trial & Insurance Practice Section, 2008. (KF 1287 K35 2008)

REAL WORLD DOCUMENT DRAFTING: A dispute-avoidance approach by Marvin Garfinkel. Published by the ALI-ABA Committee on Continuing Professional Education, 2008. (KF 250 G37)

THE LAWYER'S GUIDE TO BUYING, SELLING, MERGING, AND CLOSING A LAW PRACTICE by Sarina A. Butler and Richard G. Paszkiet. Published by the ABA, General Practice, Solo and Small Firm Division, and Senior Lawyers Division, 2008. (KF 315 L38)

THE LAWYER'S GUIDE TO CREATING A BUSINESS PLAN: A step-by-step software package. Published by the ABA, Law Practice Management Section, 2006. (KF 315 Z9 P55)

CALENDAR

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

October

6 Monday, CLP Golf Tournament at Columbia Edgewater Visit www.classroomlaw.org for details.

6-17 Monday-Friday, OLAH Fundraising Drive See Announcements for details.

7 Tuesday, MBA Board meeting

8 Wednesday, MBA CLE – Big Practice Tips for Small Firms See insert or register at www.mbabar.org.

9 Thursday, YLS Drop-in Social at Thirsty Lion See p. 10 for details.

Thursday, November **Multnomah Lawyer deadline**

15 Wednesday, MBA CLE Child Abuse Reporting See insert or register at www.mbabar.org.

15-19 Wednesday-Sunday, National Association of Women Judges Conference Visit www.nawj.org for details.

16 Thursday, MBA CLE – Estate Planning in 2008 See insert or register at www.mbabar.org.

21 Tuesday, YLS Board meeting

Tuesday, MBA "Absolutely Social" Social See p. 1 for details.

22 Wednesday, MBF Board meeting

28 Tuesday, MBA CLE Trial Technology See insert or register at www.mbabar.org.

31 Friday, MBA Seminar Taking Care of Ourselves While We're Taking Care of Others See p. 9 for details.

November

4 Tuesday, MBA Board meeting

5-7 Wednesday-Friday, OSB PLF Seminar – Learning the Ropes Visit www.osbplf.org for details.

7 Friday, OADC Seminar at Oregon Convention Center Visit www.oadc.com for details.

10 Monday, December **Multnomah Lawyer deadline**

17 Monday, OWLS Awards Nomination deadline Visit www.oregonwomenlawyers.org for details.

18 Tuesday, YLS Board meeting

19 Wednesday, MBA CLE Access to Justice See insert or register at www.mbabar.org.

27-28 Thursday-Friday, Thanksgiving Holiday MBA closed

December

2 Tuesday, MBA Board meeting

Tuesday, MBA Ethics CLE Dealing with Difficult Clients See insert or register at www.mbabar.org.

10 Wednesday, January **Multnomah Lawyer deadline**

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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

The Vow of Silence: Confidentiality in Electronic Times, Part 2



This month we continue our look at the duty of confidentiality by examining the electronic challenges to that duty that have emerged as both our communications with our clients and our files have increasingly moved to electronic form. We'll also survey the exceptions to the rule.

Electronic Challenges

The duty of confidentiality is not merely to remain silent. When we are receiving or transmitting information to our clients we have a duty to choose means that are private. Comment 17 to the ABA Model Rule 1.6, upon which Oregon's RPC 1.6 is generally patterned, phrases this aspect of the duty as choosing means that afford "a reasonable expectation of privacy." OEC 503(1)(b) arrives at this same point by noting that the lawyer-client privilege applies to "a communication not intended to be disclosed to third persons[.]" The increasing use of electronic communications has highlighted this element of the duty. Just as in the past we wouldn't share a client's deep dark secret in a crowded coffee shop where it could be easily overheard, in the present we wouldn't share that deep dark secret over an open, monitored public Wi-Fi network at that same coffee shop. ABA Formal Ethics Opinion 99-413 applies these concepts to email and Formal Ethics Opinion 06-442 does the same for electronic "metadata" embedded in electronic documents. In doing so, the former, in particular, catalogs the federal statutory protections that generally apply to unencrypted email to provide the requisite expectation of privacy in most (but not all) circumstances.

Once we have a client's confidential information, we then have a duty to maintain it. Comment 16 to ABA Model Rule 1.6 terms this aspect of the duty as "[a] lawyer must act competently to safeguard information relating to the representation of a client[.]" OSB Formal Ethics Opinion 2005-141 and ABA Formal Ethics Opinion 95-398, for example, generally allow lawyers to employ, respectively, outside recycling and computer services as long as the lawyers take appropriate steps under the circumstances to meet their underlying duty of confidentiality. To return to our "deep dark secret" example, a lawyer using an outside recycling

service should shred a draft file memo analyzing the secret before turning it over to the recycling service. In an era where we may increasingly have our "file rooms" literally on a laptop computer or a "memory key," we also need to take reasonable steps to maintain the physical security of these practice tools.

Finally, both during and after a lawyer-client relationship, a lawyer has an affirmative duty to protect client confidentiality. As we'll note below, RPC 1.6(b)(5) allows a lawyer to reveal confidential client information if ordered to do so by a court. Comment 13 to ABA Model Rule 1.6 stresses, however, that a lawyer in this circumstance "should assert on behalf of the client all nonfrivolous claims that the order is not authorized by other law or that the information sought is protected against disclosure by the attorney-client privilege or other applicable law." This is consistent with both the Legislative Commentary to OEC 503 and the Oregon Supreme Court's directive in *Frease v. Glazer*, 330 Or 364, 370, 4 P3d 56 (2000). Again, in an era where both our communications and our files are in electronic form, we have a duty to defend the confidentiality of our current and former clients' protected information from, for example, broad third party subpoenas directed to our files.

Exceptions

RPC 1.6(b) contains six exceptions. They are generally consistent with prior Oregon law under former DR 4-101(C). It is important to stress, however, that the exceptions are narrow and, under *In re Lackey*, 333 Or 215, 37 P3d 172 (2002), lawyers are not free to invent new ones not already provided by law. It is also important to stress that Oregon's exceptions are discretionary ("may reveal"), not mandatory ("shall reveal"). The first allows a lawyer to disclose a client's intent to commit a future crime. The second permits a lawyer to disclose information necessary to prevent "reasonably certain death or substantial bodily injury" even if the conduct does not constitute a crime. The third allows a lawyer to consult with another lawyer about compliance with the RPCs. The fourth governs claims and defenses in disputes between clients and lawyers. The fifth is the exception noted earlier for

ANNOUNCEMENTS

MBA Seeks Public Member for Judicial Screening Committee

The MBA announces a public member vacancy on its Judicial Screening Committee. The term is for three years. Candidates must be non-attorneys and meet several criteria (see below) to be eligible. Interested parties are encouraged to review about the position and submit an application. Visit www.mbabar.org for full details and the application.

Public members must work or reside in Multnomah County and be at least 21 years of age. No person may serve as a public member who is (1) a lawyer or former lawyer in any jurisdiction, (2) employed by a lawyer, (3) married to or a domestic partner of a lawyer, or (4) the parent, child or sibling of a lawyer. Desirable qualities of public members include integrity, honesty, discretion, familiarity with the legal system, and the ability to communicate effectively.

2009 MBA Professionalism Award Nominations Sought

Do you know a lawyer who is a joy to work with, someone who goes above and beyond the minimum professionalism standards? Nominate him or her for the 2009 MBA Professionalism

Award. For more information and a nomination form, go to www.mbabar.org.

Commitment to Professionalism

The professionalism statement developed by the MBA Professionalism Committee is available for MBA members to order and display in their offices. The statement is printed on quality 11" x 14" parchment paper and suitable for framing. Reconfirm your commitment to professionalism; order your free professionalism statement at www.mbabar.org/docs/Profcertorder.pdf.

MBA Noon Time Rides

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

OWLS Invites Nominations for Roberts-Deiz Awards

Oregon Women Lawyers is inviting nominations for the 17th Annual Justice Betty Roberts and Judge Mercedes Deiz Awards. The awards recognize and celebrate the accomplishments of individuals in promoting women and minorities in the legal profession in Oregon. The recipients will be honored at the annual awards dinner on March 13, 2009, at The Governor Hotel in Portland.

The Justice Betty Roberts Award recognizes an individual who has made an outstanding contribution to promoting women in the legal profession and in the community.

The Judge Mercedes Deiz Award recognizes an individual who has made an outstanding contribution to promoting minorities in the legal profession and in the community.

Visit www.oregonwomenlawyers.org for nomination forms and additional information. The deadline for receipt of nominations is November 17.

Oregon Lawyers Against Hunger Plans for 2008 Food and Fund Drive.

Oregon Lawyers Against Hunger will conduct its 11th annual fundraiser from October 6-17, to benefit the Oregon Food Bank. Lane Powell and Bullivant Houser Bailey are the champions from the past two years and winners of the Silver Barrel Award for raising the most money, and they will be going head-to-head. Visit www.oregonlawyersagainsthunger.org or contact Tim Calderbank at 503.228.6351 for more details. Information about the Oregon Food Bank is available at www.oregonfoodbank.org.

compliance with court orders (or other law or the RPCs). The final exception allows very limited and specific kinds of disclosure relating to the sale of a law practice under RPC 1.17.

Summing-Up

The duty of confidentiality was a bedrock principle of lawyering when paper reigned supreme. It remains one of the central duties of our profession in our new electronic times.

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

Special MBA CLE Opportunity October 31 - Taking Care of Ourselves While We're Busy Taking Care of Others

The MBA presents a special seminar devoted to enhancing our mental capacities and reducing stress. The program is designed for judges, lawyers, mediators and forensic mental health professionals with busy schedules who would like to combat stress and enhance productivity.

Two extraordinary instructors will teach participants about the physiological effects of stress and provide the basic skills to combat it and achieve greater mental clarity, concentration and awareness. **Alan Wallace** is a lecturer, teacher and founder of the Institute for Consciousness Studies, which focuses on integrating mindfulness techniques with modern neuroscience. **Michael Zimmerman** is a former Chief Justice of the Utah

Supreme Court who is a practicing lawyer and Zen teacher.

Ours is a demanding profession. We can learn skills and techniques to keep ourselves healthy while serving our clients at maximum efficiency. I hope you will consider putting your workload on pause for a day and join us.

Space is limited. If this program would be helpful to you, please register using the insert in this issue or visit www.mbabar.org.

Financial support has been provided by the Oregon Attorney Assistance Program.

*Michael Dwyer
President, MBA*

Presidents Column

Continued from page 1

my life, where time seemed to stand still, or became irrelevant: playing with my infant daughters, dangling my feet in the Ohanapakosh River, painting, playing the piano. But in mindfulness it's done on the inside, without moving a muscle, yet it releases us from the grip of nonstop mental activity and the crush of time.

The masters tell us this is accomplished by learning to



watch our own minds. **Alan Wallace**, one of the MBA's program presenters, is at the forefront of the evolving dialogue between spiritual teachers, psychologists and scientists. The author of numerous

“Practicing *non-doing* – the stopping of non-mental activity – is hardly a passive action....”

books, he writes that meditation involves stabilizing the mind so we can maintain awareness without distraction and developing our capacity for concentration, attention and insight.

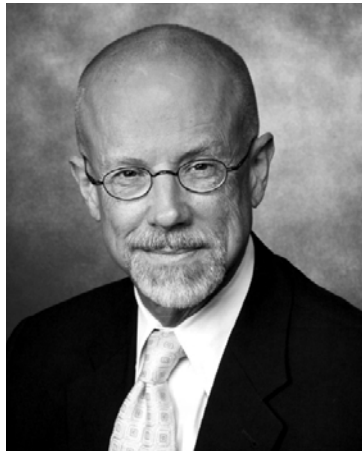
The considerable benefits of mindfulness training have received a great deal of press lately, as Western scientists in our global community confirm what Eastern wisdom traditions have taught for centuries. By now we've all heard about, and perhaps some have experienced, the physiological benefits such as reduced blood pressure and enhanced immune resistance, as well as improved states of mental well-being: calmness, awareness, concentration and satisfaction.

Practicing *non-doing* – the stopping of non-mental activity – is hardly a passive action, and there should be no concern we

will turn into zombies. Rather, by learning to replenish ourselves, we should improve our capacity to perform our work well. Riskin writes specifically about the impact of mindfulness training on such legal professional skills as listening, representation

of clients, non-reactivity, creativity and negotiations.

But we will be able to hear it directly from a person in a unique position to talk about the benefits of mindfulness training



for lawyer, judges and mediators. **Michael Zimmerman** has worn

all these hats. The former Chief Justice for the Utah Supreme Court is now a practicing lawyer in Salt Lake City. He is also a Zen teacher and practitioner of meditation who will share with us his path, and his insights into the benefits of mindfulness training for the legal profession.

The MBA is hardly a trailblazer at this point. Ninth Circuit judges, major law firms, lawyers on retreats, law school students, and mediators in conflict resolution courses are just some of the large numbers of legal professionals who have undergone mindfulness training. But the MBA is offering an opportunity new to this region of the country, and we hope you can join us.

By all means, come as you are. Bring your questions, doubts and skepticism. Nothing is taken on faith. Our teachers will be the first to say that all depends on our experience, not what some guru says. You will find a flyer in this issue of the *Multnomah Lawyer*, or you can register online at the MBA Web site.

Come, let's discover, while we're busy taking care of everyone else, how to take care of ourselves.

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The following MBA members supported the Volunteer Lawyers Project at Legal Aid Services of Oregon at a rate higher than the \$20 minimum check-off amount when paying their 2008* dues.

All MBA members who donated to the check-off campaign have helped to provide access to justice for community members who might not otherwise receive legal assistance. The MBA thanks you all.

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**This list includes names of those who donated to VLP through August 2008.*



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We are pleased to announce our newest partners

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Elizabeth is the firm's Employment Practice Area Chair. Her practice focuses on representing employers and individuals in employment related litigation. She also drafts manuals and policies, advises employers on employment issues, and non-competition agreements. Elizabeth is also in our Litigation Practice Group where she represents individuals and entities in a wide range of business disputes.

Heather A. Kmetz

Heather is a tax lawyer who advises on matters of estate planning and administration; business acquisition, sale, and succession planning; profit & nonprofit entity formation and operation; and tax-deferred exchanges. Licensed in Oregon and Washington, she also counsels clients on a variety of business and real property transactional matters.

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AROUND THE BAR



Tamara Russell

BARRAN LIEBMAN

Firm attorney **Tamara Russell** has worked with Associated Oregon Industries to create and update the 2008 edition of the Model Policies and Forms for Oregon Employers.

The purpose of this user-friendly book is to help guide the state's employers as they develop and revamp their organization's employee handbook and policies. It takes into account the ever-changing nature of employment laws and seeks to help employers draft policies and procedures that are flexible, compliant, adaptable and practical.



David D'Ascenzo



Ian Gates

D'ASCENZO INTELLECTUAL PROPERTY LAW

David D'Ascenzo, an intellectual property attorney, has opened a new firm. Joining David as an associate is **Ian Gates**. Their practice includes substantial trademark and international components, as well as patent prosecution in such varied fields as fuel cells, sporting goods, petrochemical and gas processing, tools, toys and children's products, firearms, and consumer chemical and electrical products. The firm is located at 522 SW 5th Ave. Ste. 925, Portland OR 97204. They may be reached at 503.22IPLAW.



Laura Jordan

FISHER & PHILLIPS

The Portland office of the firm has added **Laura Jordan** as an associate. She has prior experience working on employment law, contract law, creditors' rights and lender liability. At Fisher & Phillips, Jordan represents management in all aspects of employment law, including discrimination, retaliation, and wage and hour claims.

BULLIVANT HOUSER BAILEY

The firm has established an arts, entertainment and sports group to further meet the needs of its clients in those industries.

The firm's clients include film studios, record labels, museums and cultural institutions, a celebrity chef, production companies, gaming developers, authors, screenplay writers, fine artists and musicians of a variety of genres, deejays, individual athletes and sports teams.

Members of the industry group include **Steve English**, **Kimball Ferris**, **Michael Ratoza**, and **Renée Rothauge** in the firm's Portland office.



Richard Vangelisti

VANGELISTI KOCHER

Richard Vangelisti has been selected as Co-Chair of the Lawyer Representatives for the US District Court for the District of Oregon to the Ninth Circuit Judicial Conference. In that capacity, Vangelisti also will serve on the Ninth Circuit's Lawyer Representative Coordinating Committee, which assists in planning the annual Ninth Circuit Conference.



David R. Simon

FARLEIGH WADA WITT

David R. Simon has been reappointed to his fifth consecutive term as a reporting committee chair of the Legal, Tax and Accounting Committee of the National Council of Farmer Cooperatives. The reporting committee that Simon continues to chair is designated AMT, Tax Accounting and State and Local Tax Issues Affecting Agricultural Cooperatives. Simon maintains a comprehensive business law practice assisting clients with regulatory, transactional, real estate and succession planning needs, and has over 25 years of experience as a business advisor to publicly and private- and family-owned enterprises.



Steven B. Ungar

LANE POWELL

Gov. Ted Kulongoski reappointed firm shareholder **Steven B. Ungar** to the Oregon State Lottery Commission effective November 22.

Ungar is Chair of Lane Powell's white collar criminal defense and regulatory compliance practice. He represents business entities and individuals who are facing regulatory enforcement problems, governmental investigations and criminal prosecutions. He is also a member of Lane Powell's long term care and senior housing industry team, where his focus is health care fraud and abuse (Medicare and Medicaid), internal investigations and compliance programs.

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 they were received. Submissions may be emailed to carol@mbabar.org.

MBA Membership Drive Begins this Month

The MBA thanks you for being a member this year.

It will soon be time to renew your membership through 2009 and you will receive a renewal notice in the mail this month. All you need to do is return the membership form with your dues payment to continue to receive the wide range of benefits the MBA provides. You may also renew online by visiting www.mbabar.org. Here are just a few reasons to continue your membership:

- Advocacy on issues important to the legal community, such as funding of court facilities and operations and increasing the public's understanding of the justice system;
- Substantive, affordable and convenient CLE seminars;
- Social events and committees that provide rewarding ways to network with other attorneys;
- Resources such as the *Multnomah Lawyer* publication, e-newsletter and MBA Web site, www.mbabar.org, which keep you up-to-date on developments affecting the legal community;
- Member discounts from LexisNexis, Legal Northwest Staffing Specialists, The Naegeli Reporting Corporation, Bank of the Cascades, Kimpton Hotels, Bank of America MasterCard, ABA publications, Office Depot, Canon Business Solutions, Court Bonds, Appaloosa Business Services, Oregon Ballet Theatre and the Portland Opera; and
- MBA member group health, life and disability insurance plans at competitive rates.

If you would like more information about the benefits of MBA membership, please call 503.222.3275 or visit www.mbabar.org. We look forward to serving you in 2009.

FALL CLE schedule includes specialty CLE credits

Attorneys seeking CLE credit before the end of the year can register to attend MBA CLE programs online, or order the audio replay and materials in advance. The fall CLE schedule includes classes with credits in:

- Child Abuse Reporting (October 15)
- Access to Justice (November 19)
- Ethics (December 2)

As well as a number of classes worth general and practical skills credit.

For more information, see the insert in this issue of the *Multnomah Lawyer*, visit the MBA's CLE registration page at www.mbabar.org or call the MBA at 503.222.3275.

Tips from the Bench

By Judge Youlee You, Multnomah County Circuit Court.

The following judges, in addition to me, have offered to write the “Tips from the Bench” column: Steven Bushong, Jerry LaBarre, Marilyn Litzenger, Maureen McKnight and Leslie Roberts. Each month, on a rotating basis, we will focus on criminal, civil and family law issues. This month’s article focuses on criminal jury instructions, but it includes some helpful reminders for all practitioners.

A general reminder about the importance of jury instructions

Jury instructions are sometimes the last things attorneys prepare for trial, but they should be one of the first. You cannot win on just the facts alone. You also must persuade the jury on the law. Therefore, you should be looking at jury instructions early on in your trial preparation and tie the instructions to your closing argument.

When are they due?

Under UTCR 6.060(1) and (2), proposed jury instructions must be in writing, the original and a copy must be submitted to the court, and they must be delivered concurrently to the court and opposing parties. SLR 6.015(4) requires that the proposed instructions be submitted to the trial judge “by noon of the day of trial assignment at daily call by the Presiding Judge.”

What happens when you are trying a misdemeanor case and there is no day-before-trial call setting? Check with your trial judge about when the instructions are due. However, instructions should never be submitted any later than the start of trial. As discussed above, jury instructions should not be an afterthought. Additionally, some issues can be hashed out before trial begins, thereby reducing the amount of time the jury has to wait during trial.

Some judges strongly believe it is helpful to the jury to “front-load” as many of the instructions as possible, i.e. greatly expand on the “preliminary and precautionary” uniform instructions at the start of the trial to explain to the jury as much of the law as seems practical. Such expanded preliminary instructions may include basic legal concepts and definitions. You should be prepared to discuss this with opposing counsel and your trial judge before the jury is selected.

Extra electronic copies

Certain judges would like an extra electronic copy of the instructions by email. Find out if this is what your trial judge prefers and to whom the instructions should be emailed. The MBA *Judicial Practices Survey* has helpful information on each judge’s preferences.



Fill in the blanks

UTCRC 6.060(3) requires that attorneys fill in the blanks and make selections where the uniform instructions have blanks or various options. Be sure to fill in those blanks and make your selections before submitting your requested instructions to the court and opposing counsel.

New criminal jury instructions

New uniform criminal jury instructions are available to address recent changes in Oregon law. It is important to be aware of these issues, because it takes additional time during trial to finalize these instructions.

1) Mental states

Following recent developments in case law, new uniform instructions were created for the mental states – intentionally, knowingly, and recklessly. These instructions are very different from the old instructions and require attorneys to make selections and fill in blanks.

2) Consecutive Sentences

New instructions based on *State v. Ice* are being finalized by the Uniform Criminal Jury Instructions committee. The most recent drafts are available from the OSB. In cases where there are numerous counts in the indictment, it may be more practical to instruct the jury on *Ice* factors after it has returned with a verdict on the underlying counts. That is so because the jury may acquit on all or certain counts, the state may elect to request consecutive sentences only on certain counts, or the defendant may stipulate to certain factors. Consider these issues when preparing and requesting the new *Ice* instructions.

Don’t forget how the new instructions impact the verdict form

Of course, once the instructions have been prepared, additional issues may arise in preparing the verdict form. *Ice* verdict forms can be complicated and lengthy. Consider the best way to present the questions to the jurors so they are not confused by the verdict form.



By Heidi Moawad, Court Liaison Committee member.

Trial Length and Judge Assignment

Presiding Judge Maurer agreed that trials that are expected to last more than four weeks will have judges pre-assigned five to six weeks before trial if the parties inform the court, as was reported in the June “News from the Courthouse” column. She wanted practitioners to realize, however, that it is also possible to have trials pre-assigned if the trial is going to last more than four days. Parties should write a letter to the presiding court one month in advance, stating the specific number of days needed for trial. When the letter is received, the presiding judge will attempt to match the trial with judge availability for that period. There is a possibility, if a match can be made, that the case will be pre-assigned to a judge for trial. It is also possible the assignment could happen more than one month out, but that is something to be handled on a case-by-case basis and must be raised at scheduling conferences. Judge Maurer stressed, however, that merely mentioning a trial’s length at the scheduling conference will *not* result in the case being pre-assigned - the requests must be made in writing and must be specific about the number of trial days needed.

Presiding Judge Report

The proposed 2009 rules changes are online and available for review at www.ojd.state.or.us/mul/About.html (go to the drop down Supplemental Local Rules tab on that page). The rules will be reviewed by the UTCRC Committee and will go into effect in February 2009. The family law judges updated their rules for domestic relations and for juvenile cases, so family and juvenile law practitioners in particular should take a look at the proposed 2009 Supplementary Local Rules. Next month, the committee will discuss assigning members to review the rule changes for a future newsletter article.

The position for a full-time employee to handle security and emergency preparedness at the

courthouse will be filled within the month. The position will focus on preparedness in the event of an emergency which results in the loss of one or all facilities, such as a catastrophic earthquake or fire, or in the unavailability of substantial numbers of court staff and judges, such as an influenza pandemic. All practitioners should note that emergency drills will begin to occur with greater frequency in court facilities and can happen any day of the week at any time - even when jury trials are in session.

It was believed that the East County Justice Center construction would have broken ground by now, but, due to the higher cost estimates for the project established over the summer, the county must determine a source for additional funding or further reduce the scope of the plan before work may begin.

Judge Maurer explained that some of the measures on the general election ballot will have a significant impact on the state’s general fund. Specific measures discussed were 57 and 61 (the sentencing measures for certain property and drug felonies), 59 (creating unlimited deductions for federal income taxes on state tax returns), and 62 (allocation of 15% of lottery proceeds to a public safety fund for crime prevention, investigation, and prosecution).

Judge Maurer has been keeping track of the number of civil jury trials sent out and is passing along information to the civil jury trials committee. She established that committee to examine the declining frequency of civil cases going to trial.

Committee member Jeff Bowersox inquired about the 5th Ave. access to the courthouse, mentioning that for larger trials with many carts for exhibits, etc, the ramp access is very helpful to practitioners. Judge Maurer said that the position to staff the door was eliminated by the Multnomah County Sheriff due to budget cuts in the 2007-08 county budget and it is unknown if that position will ever be restored.

There will be a joint MBA-Court Legislative Open House on November 12. This summer, there was a special joint MBA and circuit court tour that focused on the condition of the Multnomah County Courthouse. This event was organized by MBA Past President Peter Glade, and it was very enlightening to the legislators, one of whom said he agrees with the need for a new courthouse but wants to know “how” to make that happen? One possibility is the Multnomah County Commissioners will be requesting legislators to remove the prohibition on counties adding assessment to document recording fee if the added fee is used to support court facilities. Doug Bray said courthouse funding will be on the legislative agenda in 2009 because of legislative action in 2007 supported by Chief Justice Paul J. De Muniz and the Association of Oregon Counties, which established and funded a committee in the Department of Administrative Services to study the condition and suitability of court facilities around the state. The Multnomah County Courthouse was one of the facilities inspected during the summer, along with buildings in most other counties. A dollar figure on what it will cost to update each building should be part of the committee’s report. That report should be submitted to the 2009 Legislative Assembly.

Web site Update: more information is continually added to the MBA Courts Page on the Web site. There, members can now access the Civil Trial Committee’s Recommended Practices for Civil Jury Trials (which also available on the court’s Web site). An information package on the courthouse facilities will be posted shortly. A second site - www.protectoregoncourts.com – was created in response to attempts to geographically district Court of Appeals positions. It is being redesigned and additional text regarding security and other threats to the courts will be posted.

Continued on page 11

Profile - Honorable John V. Acosta United States Magistrate Judge for the District of Oregon

By Jeffrey A. Bowersox, Bowersox Law Firm, P.C. and Court Liaison Committee member.



Honorable John V. Acosta

Devotion to family, passion for community service, and commitment to due process and equality before the law are hallmarks in the life of the **Hon. John V. Acosta**, US Magistrate Judge for the District of Oregon. Born in Hayward, California, he graduated with high honors and distinction in history from San Diego State University in 1979, Phi Beta Kappa. He received his Juris Doctorate from the U of O in 1982 and served on the managing board of the *Oregon Law Review*.

Judge Acosta began his legal career as an associate with Hughes, Thorsness, Gantz, Powell & Brundin in Alaska as a trial attorney in federal and state courts, focusing on medical malpractice, products liability, personal injury and insurance coverage cases. Judge Acosta moved to Stoel Rives in 1987, again handling products liability and general commercial litigation cases. He then joined the firm's labor and employment practice group, becoming a partner at Stoel Rives in 1994. Judge Acosta left private practice to become the Senior Deputy General Counsel of the Tri-County Metropolitan Transportation District of Oregon.

As counsel to TriMet, Judge Acosta developed particular skills that, in hindsight, served as an excellent transition to his role as a federal magistrate judge. No longer serving primarily as an advocate, Judge Acosta's in-house counsel position at TriMet required careful consideration of, and legal advice on, employment

and labor issues, state and federal regulatory compliance, free speech issues, public employee ethics, immigration, and development of ordinances and administrative rules, including those that would ensure due process and equal protection for employees and citizens.

Judge Acosta is a board member of Morrison Child and Family Services, an organization he has served since 1998, including as chair from 2006-08. Morrison provides a wide range of services to neglected, abused, and vulnerable children from birth to age 18. Judge Acosta and his family have long been supporters of the services of Rosemont Treatment Center and School, which is the largest secure residential treatment center for troubled teen girls in the Pacific Northwest.

Judge Acosta was appointed US Magistrate Judge on March 5. His chambers are modestly decorated and reflect important influences and experiences of his personal life. Pictures of his wife and two daughters line one side

“Dad, we’re not standing up when you walk in the room.”

of his chambers. As Judge Acosta remarked at his investiture, his daughters are true proof that his life has been blessed. Upon learning of his selection to the magistrate judge position, one of his daughters informed him,

“Dad, we’re not standing up when you walk in the room.”

Judge Acosta reads extensively in American history, especially the World War II era. A bust of John F. Kennedy is prominently displayed in his chambers. He recalls JFK's presidency as an inspiration to our country at a time when we

were less cynical and more hopeful of things to come.

Judge Acosta also has hanging in his chambers a photograph of Thurgood Marshall sitting in the lawyer preparation room waiting to argue *Brown v. Board of Education of Topeka*. Judge Acosta considers *Brown* to be the most important case ever decided by the US Supreme Court. Justice Marshall's advocacy in that case, its historical underpinning and its far-reaching impact embodies what the profession of “lawyer” stands for in the establishment of a just society.

On the bench, Judge Acosta sees himself somewhat like an umpire who must call the balls and strikes of the litigation process. He recognizes

that someone will always be disappointed by his decisions in every case. He tries always to carefully study the parties' briefs and submissions, and to listen carefully at oral argument. Judge

Acosta expects full preparation from himself for every proceeding. He believes strongly that the bedrock to equality before the law is the due process of having one's position fully and fairly heard and considered, with a reasoned decision promulgated as a result.

“...the bedrock to equality before the law is the due process of having one's position fully and fairly heard and considered...”

Judge Acosta's most fulfilling experience on the bench thus far has occurred during the four times that he has presided over naturalization ceremonies. In groups of 75 at a time, people of widely varying race, religion, social and economic backgrounds come before the court to pledge their fidelity to the ideals and opportunities presented through citizenship in the United States of America. Even having performed the ceremony multiple times, Judge Acosta still retains a feeling of excitement and satisfaction in the process. As he conducts the ceremony, he sees the participants' basic hope and expectation for a better future.

Looking out at his courtroom from his bench, he recognizes the relative rarity of the position he occupies. He takes the position seriously, but tries never to take

himself too seriously. He sees the judiciary as public service - the highest level of public service a lawyer can render. For young litigators, he advises that the most important years of their career are the beginning years. This is the best time to make an investment in learning how to be a lawyer from those who have done it well. Young lawyers should seek out and emulate those who are respected in the bar for their competence and professionalism, and should always remember that their reputation comes with them into the courtroom every time they enter. The investment in learning now will pay dividends in the future.

For seasoned practitioners, he offers these words: “Pay it forward.” Judge Acosta observes that we have all had help in our careers, whether we know it or not. It is oft times hard to repay the person who gave us advice or opened a door for us and made an introduction; indeed, that person rarely needs our help. The best way, then, to repay a mentor is to help those coming up behind you. He recommends that we give generously of the wisdom we have accumulated through our years of practice and experience in the bar.

Getting “The Big Case” Tried in Clackamas County

By Matthew Lyon, Judicial Clerk to the Hon. Ronald Thom.



It takes a lot of special effort for a state court to fit a long case into its heavy trial docket. After over two years as the judicial clerk to the Hon. Ronald Thom, I have some suggestions for lawyers who are planning for a long trial in Clackamas County.

• **First**, Clackamas County has a referee program for

construction cases. The referee program allows the parties to set a trial date outside the normal 12 months and appoints a referee to manage the discovery, determine case scheduling, and rule on motions prior to the trial date. Further information on the referee program is available at www.ojd.state.or.us/cla/forms.html.

• **Second**, when it appears likely the case will not settle, and in any event, at least four months prior to the anticipated trial, contact Patti Holland or Jenifer Fisher in calendaring at 503.655.8643 to discuss trial dates. They can help you identify a fixed date for trial so witnesses from out of town can make travel arrangements and you can schedule your expert witnesses.

• **Third**, if the parties need a special jury panel called in or are planning to use a supplemental jury questionnaire, the court needs notification at least two months before the trial date. In the case of using a supplemental jury questionnaire, the parties should limit the questionnaire to 10 pages, ask questions regarding basic information relevant to the case, and stipulate to the questions which are asked.

• **Fourth**, cases involving complicated motions which do not participate in the referee program may want to apply to the presiding judge to have the case designated as a complex case under UTCR 7.030. The complex case designation gives the parties the benefit of having all the motions and the trial

set before a single judge, who will then become familiar with the case. The current presiding judge in Clackamas County is the Hon. Steven Maurer. You may contact Judge Maurer's judicial assistant Dee Stewart for more information at 503.722.2732.

• **Fifth**, before a hearing, if you plan on using electronic aids in the courtroom, contact the clerk of the judge who will preside over the hearing in your case to see if you or your staff can come in early to set up your equipment. Each courtroom has a different layout and the judicial clerk usually knows the best place to set up your equipment. Also, some of the courtrooms have built-in TV screens, which the parties may use and connect to a laptop or videoconferencing

device. A listing of the Clackamas County judges and their staff is available online at www.ojd.state.or.us/cla/judges.html.

Hopefully, these suggestions will help you schedule your case in the Clackamas County Circuit Court and streamline the whole trial process.

For more information, contact Matthew Lyon by email at matthew.d.lyon@ojd.state.or.us or by phone at 503.650.8940.

Mary Kane: Juvenile Law Activist and Pro Bono Leader

By Will Glasson, Scarborough McNeese et al.

This article is the second of two profiles on juvenile defense attorneys whose commitment to their clients and to improving the juvenile justice system is evident in their advocacy and pro bono activities.

Mary Kane's first time in court for a dependency issue eventually made *The New York Times*. Then an actress in New York City, she had spent the past year frequenting the Bronx Family Court. As a volunteer and mentor with a charity in Hell's Kitchen serving local youths, the 52nd Street Project, Mary was no stranger to the juvenile court system. But few things could have prepared her for how her involvement with the project, and her time in Bronx Family Court, would change her life's direction.

Many children living in the West End of Midtown Manhattan in the 80's and early 90's knew firsthand about the violence and crime that figured prominently in Hell's Kitchen's reputation. The 52nd Street Project offered a refuge for these youths, using theater to help them process and cope with their environment. "Tom" was one such youth. One of many actors helping project youths create their own plays, Mary learned just how broken New York's foster care system was through her unsuccessful fight to win custody of Tom as a foster parent or an adoptive resource.

The bias and arbitrary nature of the New York City foster care

system was epic. After moving to Los Angeles and volunteering with the project's sister program, the Virginia Avenue Project, Mary returned to New York in the summer of 1996 to intern with Children Rights, Inc. Between her first and second year at the University of Virginia School of Law, Mary worked with Marcia Robinson Lowry, a children's rights activist and founder of Children Rights, Inc., on preparing the landmark case, *Marisol v. Pataki* for trial. Reporting on its settlement terms, *The New York Times* credited *Marisol* with opening the New York City child-welfare system to the intense scrutiny that led to its reform.

The argument underlying *Marisol* – that every child in need of foster care should be placed fairly and according to their needs – and the project's philosophy – that all children have something to offer and should have the opportunity to show their uniqueness and experience success – reflect Mary's approach to her practice and life.

Her abiding drive to improve children's lives is unwavering, filling her practice, her home, her life. "Whatever their circumstances, children should feel cherished," said Mary, who has handled dependency, delinquency and termination of parental rights cases for Juvenile Rights Project, Inc. (JRP), since 1998.

Currently, she divides her time between advocacy work on



Mary Kane

delinquency and dependency cases and on JRP's SchoolWorks project. SchoolWorks Advocates such as Mary work with public school children ages 8-15 who reside in Multnomah County and are involved in the juvenile court system. Advocates collaborate with Multnomah County School officials to address their clients' school-related challenges. The SchoolWorks project is made possible by grants from the Edward J. Byrne and the Bill and Melinda Gates Foundations.

There's no shortage of need for SchoolWorks Advocates' services. "In one class, I represent five of the six students on a dependency or delinquency issue," noted Mary, who also cares for two children as a foster parent, and whose experience as an attorney and a foster parent has honed her ability to spot issues as well as understand what services are available and where a child should be referred.



MBA Mentor Program Lessons Learned



Josh Kadish, MBA Mentor

"I have participated in the MBA's Mentor/Mentee Program for about 10 years as a mentor. The program provides not only an excellent opportunity to inflict advice upon unsuspecting young members of the bar, but provides additional rewards for me as well. I have met some fine young lawyers, which I appreciate because most of the lawyers that I started practicing with have become fairly old. I can gain a valuable perspective from the younger generation, who keep up on new developments such as using computers in a law practice. Although not all of my mentees have kept in close touch, at least one of them, David Bean, is now my partner at Meyer & Wyse LLP. It is hard to imagine this having occurred without our initial introduction through the Mentor/Mentee Program. I do quite a bit of work with another of my former mentees, Stuart Allen, who now heads the Allen Trust Company. Getting to know some of my fellow mentor lawyers has been positive, although they have fewer new ideas than do the young lawyers. It is also gratifying to know that someone at the MBA actually believes I might be a suitable mentor for a young lawyer. This leaves me with a glowing feeling, which is bolstered by the free and excellent refreshments I have enjoyed at many mentor/mentee functions.

In summary, I heartily endorse this fine program."



Brian G. Kulhanjian, Mentee 2007 MBA Mentor Program

"Being a new lawyer is daunting. I'd hoped having an MBA mentor would tame the transition from anxious newbie to less anxious, capable newbie. The Mentor Program excelled at that and more.

My mentor made it clear that our conversations would center on whatever I thought was helpful. Whether our discussions covered ethics, civil procedure, other lawyers or our lives outside of work, he always provided informed views and candid conversation. My mentor offered a highly experienced and prudent viewpoint that helped me make personal and professional decisions, and I remain impressed by his genuine concern and commitment to the Mentor Program and me.

The newbie transition is certainly bumpy, but having an MBA mentor smoothes it considerably."

The Mentor Program is available to all YLS members, not just first-year lawyers. Applications for the MBA Mentor Program may be found at www.mbabar.org and must be returned by December 1. Mentoring matches will be made in December. In January, the MBA will sponsor a mentor "kick off" reception where the newer attorneys will meet their mentors for the first time. Additional social and educational programs will be scheduled throughout the year.

If you have any questions, please contact David Bean at 503.228.8448 or dib@meyerwyse.com.

YLS September Drop-in Social

On September 16, the YLS held a drop-in social in the wine bar at Southpark. The event was well attended and a great chance to catch up with colleagues and to meet others.

Right: Suji Patel and Jeana Wines at the September YLS Drop-in Social



MBA Young Lawyers Section to hold Social at Thirsty Lion

The YLS is holding a social on Thursday, October 9 from 5:30-7 p.m. The event is hosted by the YLS Membership Committee and is sponsored by the law firm of Brooksby Kaempf.

The social will take place at the Thirsty Lion, located at the corner of SW 2nd and Ash in downtown Portland. Appetizers will be provided. Please join us on October 9 to socialize, meet new people and network at the Thirsty Lion.



MBA Golf Championship Raises Money for VLP

Seventeen teams battled for top honors at the 11th Annual MBA Members Golf Championship on September 10 at Langdon Farms Golf Club. Thanks to our sponsors, tournament participants and the hard work of the MBA Golf Committee Chair Brenda Baumgart and her committee, the event raised approximately \$4,000 for the MBA Volunteer Lawyers Project, managed by Legal Aid Services of Oregon.

The firm low gross winner was Wallace Klor & Mann, and the firm low net winner was Stolowitz Ford Cowger. In the Open category, the low gross winner was the team of Jeff Foote, Tom Melville, Michael Wise and Larry Wobbrock. The low net winner was the team of Aaron Crowe, Dave Crowe, Gary Crowe and Jason Crowe. The open and firm low net teams and firm low gross team each received a traveling trophy that they will keep until next year's tournament. Congratulations to all!

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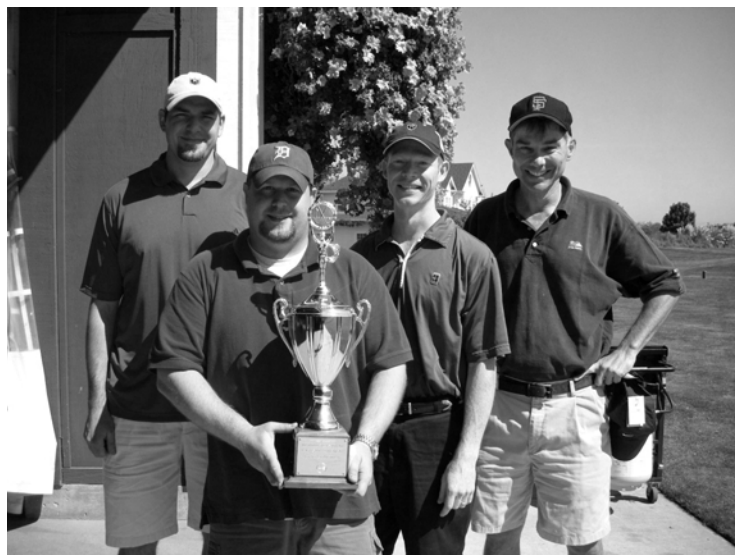
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We look forward to seeing you next year!

News From the Courthouse

Continued from page 8

CourtCare: the 2008 fundraising campaign is over and was a success - it raised almost as much as the previous year.

Brown Bag Meetings with Judges: the committee endeavors to plan two of these a year. We are due to have one in the fall, with the date to be determined.

Tips from the Bench: Judge Wittmayer wrote his last article in the summer's newsletter. Several judges are now going to write the article on a rotating basis. As always, the challenge is finding topics. It was suggested that a member attend the

Presiding Judge's Brown Bag meeting when that occurs because many questions are asked then and could be passed along as possible topics. MBA members are encouraged to submit any questions to the MBA via email to carol@mbabar.org and those will also be passed along to the judges for possible article topics.

Reports from County Liaisons

Clackamas County: Judge Ronald Thom's clerk wrote an article on procedures for the newsletter. Trial notices are now online. The Clackamas

County Commissioners recently voted to enact a four day work week. It is unclear how this will affect courthouse operations, if at all.

Washington County: a courthouse security questionnaire is being handed out to practitioners, but very few are being filled out. If you are given one of the surveys at the courthouse, please take a moment to complete it.

PRO BONO VOLUNTEERS

Thanks to the following lawyers, who donated their pro bono services in July and August via the Volunteer Lawyers Project, the Senior Law Project, Community Development Law Center, law firm clinics, the Oregon Law Center, the Nonprofit Project, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark's Small Business Legal Clinic, Children's Representation Project and Attorneys for Youth. To learn more about pro bono opportunities in Multnomah County, check out the Pro Bono Opportunities in Oregon handbook, available at www.mbabar.org/docs/ProBonoGuide.pdf.

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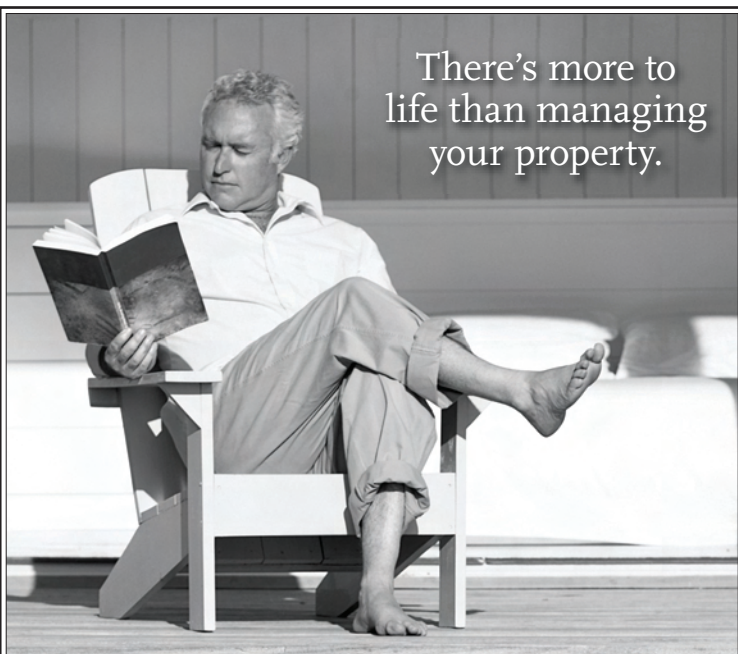
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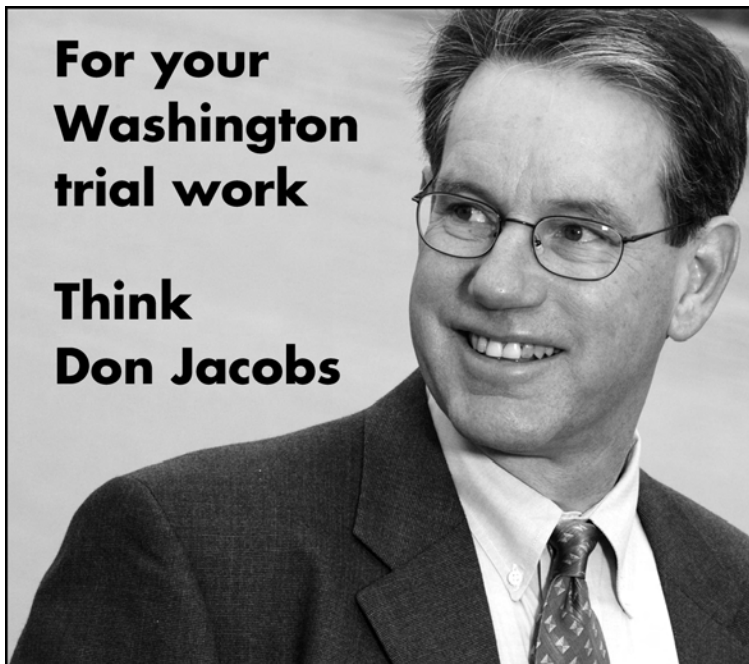
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Multnomah Bar Foundation Awards Grant to The Bus Project's *Building Votes* Program

Contribution targets high school students with voter registration, education, and mobilization activities

By Karen L. Norris, MBF Development Coordinator.



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A \$4,000 MBF grant awarded to **The Bus Project** will allow the nonpartisan organization to reach high school juniors and seniors with innovative programs designed to educate young people about the political process, increase youth voter turnout and develop the next

generation of civic and nonprofit leadership.

Taking advantage of a bill The Bus Project helped pass in the 2007, allowing 17 year-olds to "pre-register" to vote, the *Building Votes* program trains and empowers high school students to organize their own registration drives. Through their work on high school campuses and at numerous fairs, festivals, concerts and special events throughout the community,

The Bus Project expects to register and turn out 20,000 young people to vote in the November election.

The Bus Project describes itself as, "An innovative vehicle for hands-on democracy, driving votes, driving leaders and driving change." (And yes, they have a bus!) Since 2001, they have mobilized thousands of volunteers and new voters around the state and hosted dozens of youth-centered forums to discuss candidates and policy issues.

The MBF recognizes that promoting civics education and participation among youth is crucial to the future of our democratic process. The Bus Project and the MBF share in the belief that reaching out to high school students as they become of voting age provides a critical foundation for lifelong engagement in civic activities. The MBF applauds the work of The Bus Project and is proud to provide grant funds on behalf of the entire legal community.



High school student leaders train fellow students in voter registration

More information about other projects supported by the MBF can be found at www.mbar.org/foundation.htm.

For questions about the MBF, or to contribute, contact Karen Norris at 503.222.3275 or karen@mbar.org.



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