



MULTNOMAH LAWYER

MULTNOMAH BAR ASSOCIATION

1906

Lawyers associated for justice, service, professionalism, education and leadership for our members and our community. July/August 2009 Volume 55, Number 7

The Times They are a Changing A conversation with Leslie Kay and Justin Leonard

The 103rd president of the Multnomah Bar Association and the Young Lawyers Section president talk about their roots and the year ahead



Q Leslie, you grew up in the San Francisco Bay area, a first-generation American, and moved to Oregon to practice law. Aside from a 10-year period in private practice, you have spent much of your career in public interest law, most recently as the director of the Multnomah County office of Legal Aid Services of Oregon. What led you to public interest law? I first worked for a legal aid program while I was a college student at Cal Berkeley. I instantly felt a rapport with the clients and the work. In my case what came along with being born to immigrants was a heightened sense of responsibility for the less fortunate. I have always felt grateful to have had the opportunity to use my law degree on behalf of low-income clients. There has been no sacrifice involved.

Q Justin, you grew up on a farm here in Oregon, lived in former East Germany, and graduated from Stanford with a degree in neuroscience. You taught math, and developed an international marketing company. Now you practice bankruptcy law, and are president of the Young Lawyers Section. What happened? [Laughing] I wish I knew ... Actually, my dad farmed his way through law school at Willamette and has been practicing business and ag law in Salem for the last 36 years. He was very supportive of anything I wanted to do, but being a lawyer ... I tried other things, but ultimately realized that I was a big nerd at heart and that law was

a perfect fit ... There are things that are tough about the practice, but that's why the MBA Young Lawyers Section is so important. I've found the camaraderie - and the opportunities to make a difference in the community - help make lawyering satisfying. That's why I have been so active in the YLS.

Q Leslie, what's ahead for the association under your watch? The MBA is a welcoming organization made up of over 4,400 increasingly diverse members. We represent many practice areas. The association unifies us and provides a range of services and activities that help us accomplish our jobs and enjoy our colleagues in the process. Most of our membership holds three things dear: upholding the independence and integrity of the judicial branch, ensuring equal access to the courthouse and adhering to high standards of professionalism. We have a great board this year that recently spent a Saturday coming up with a work plan for the year. The association will remain focused on its core values and hopefully we will see all of our members at some point during the year at a CLE, an MBA or YLS sponsored event, or on the pages of the *Multnomah Lawyer*.

Q Justin, tell us, what can members expect from the YLS this year? Good stuff. I mentioned our opportunities before. As the pace of practice increases and work/life balance is a struggle, I think the YLS helps. In particular, our committees give new lawyers a chance to meet others in the same boat while working together to make a difference in the community. So whether you care about increasing access to pro bono services, serving the public through community service, presenting CLEs on fundamental skills and cutting-edge issues, hosting social and networking events for lawyers, expanding civics education through YouTube, or examining futures issues like e-filing, sustainability and contract lawyering ... the YLS offers a fun, fulfilling, yet efficient way for already busy young lawyers to make a difference. I want to ensure that continues.

Q Justin, is it true that you commute from Mt. Tabor by foot? Yeah. Sometimes I cheat and ride the bus or my bike, but usually I run. It wakes me up in the morning and helps get the stress out at night. Not that lawyering is stressful....

Q Leslie, you have two grown up kids going into the legal profession, did you see that coming? [Laughing] No, but I couldn't be prouder. I figure that they liked what they observed Bob [Joondeph] and me doing every day. How lucky is that?

MBA Golf Supports Volunteer Lawyers Project

Whether you're mounting a firm foursome, entertaining a client or sponsoring food, prizes and giveaways, your participation in MBA golf events support Volunteer Lawyers Project (VLP) at Legal Aid Services of Oregon (LASO).

The VLP connects pro bono lawyers with low-income clients and relies heavily on donations to ensure that Oregon's poorest citizens obtain legal assistance. Because interest rates on IOLTA funds are so low this year, money available for legal aid services for the poor has declined dramatically at a time when the demand is increasing significantly.

Clients like Mateo - a father of two children who needed assistance filing for bankruptcy after a medical crisis left him with a mountain of debt and insufficient funds to care for his family, and Maggie - a 72-year-old woman who needed representation in a restraining order hearing against her mentally ill son who was repeatedly violent toward her, are at the core of the work performed by the VLP.

Over 250 volunteer lawyers provide assistance to nearly 1,900 clients each year and the need is now greater than ever. Coordinating such a large pro bono project requires time and staffing and makes your contribution so important.

Continued on page 10

MBA CLE

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

September

**Wednesday, September 23
Litigating a Trade Secrets Case**

David S. Aman
Thomas R. Johnson

**Tuesday, September 29
The Oregon Inheritance Tax**

Philip Jones
Holly Mitchell
Anne Thompson

New Court Fee Schedule Effective July 1

The Governor signed HB 2287 B on June 30, which increased some fees beginning July 1. There are also changes in fees for dissolution, separation and annulment driven by the action of the Board of County Commissioners. In addition, new fees and fee increases are scheduled to take effect October 1. For more info, visit www.mbabar.org.

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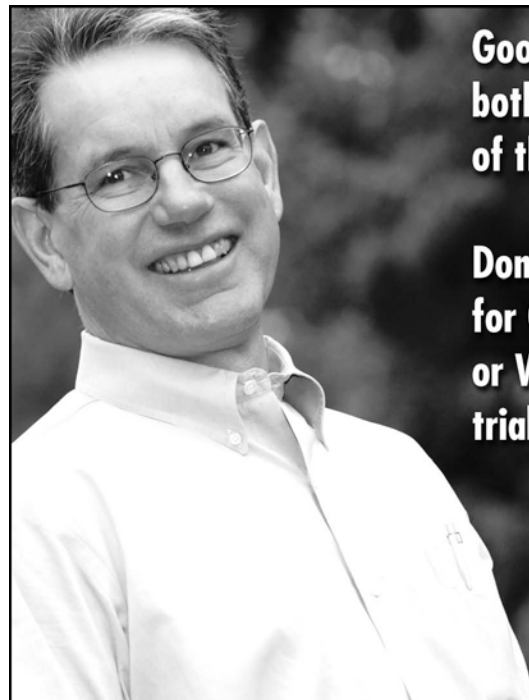
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Race for Justice a Runaway Success

St. Andrew Legal Clinic held its ninth Annual Race for Justice in NE Portland in June. This popular outdoor event for members of the Portland legal community and their families drew a record 720 runners and walkers and raised \$145,000 to support legal services for low-income families.

Stahancyk, Kent et al registered 77 participants, earning the "Largest Team" Award, with Markowitz, Herbold et al and Davis Wright Tremaine coming in a close second and third. "Prevailing Parties" (led by Chris Rounds of Liberty Mutual and Chris Kent of Kent & Johnson) took home the "Best Fundraising Team" trophy for collecting \$9,910 in donations. Chris Rounds single-handedly raised \$9,200 and was awarded "Best Individual Fundraiser," followed by Brad Miller of Ball Janik at \$7,000, Greg Mowe of Stoel Rives at \$6,200, and

Jack Lundeen of Clackamas County Family Law Group at \$3,865.

The 2009 race was underwritten by Kent & Johnson and O'Donnell Clark & Crew. Additional sponsoring law firms and companies included Ball Janik, Barran Liebman, Bullivant Houser Bailey, Clackamas County Family Law Group, Farleigh Wada Witt, Gazzola & Hull, Hanna Strader,

Landye Bennett Blumstein, Markowitz Herbold et al, Perkins Coie, Schmitt & Lehmann, Stahancyk, Kent et al, Stoel Rives, *Super Lawyers Magazine* and Yates Matthews & Eaton.

For more information and event photos, go to www.salcgroup.org/events.



The race begins



Best fundraising team winners Chris Kent and Chris Rounds



Largest team Stahancyk Kent et al

New Member Benefit Increases Cash Flow and Reduces Delinquent Payments

The Multnomah Bar Association now offers the Law Firm Merchant Account™ credit card processing for attorneys. Why credit card processing? Credit card acceptance is rapidly becoming an expectation of professional service clients. In 2005 the number of electronic payments (credit and debit) in the US surpassed the number of paper checks processed for the first time in history. Not surprising given recent analyst estimates that 62 percent of all transactions in the US and Europe are now electronic. Take advantage of this growing payment trend and offer your clients a convenient and flexible payment option with the MBA's newest member benefit.

The Law Firm Merchant Account™ is the only payment solution recommended by over 50 state and local bar associations because it complies with ABA and state requirements for managing client funds. Unlike traditional merchant accounts, it correctly handles earned and unearned fees. Thus, you can accept credit and debit card payments from your clients for services rendered or retainers.

Credit card acceptance is a proven marketing method that attracts clients and helps your firm win new business. It even doubles as a practice management tool by providing payment flexibility, guaranteeing timely payment and reducing firm

billing and collection times. Through the MBA member program, you receive reduced processing rates, multiple features for the client-attorney transaction and a level of personalized service not easily found elsewhere.

If you are already accept credit cards in your practice, we encourage you to compare this new option with your current service. Call for a no-obligation consultation with our partner Affiniscape Merchant Solutions at 866.376.0950 or visit www.affiniscape.com/mbabar.



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CALENDAR

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

July

23

Thursday, OMLA Summer Social and Fundraiser
Visit omla.homestead.com/Auction09/auctionindex.html for details.

24

Friday, YLS Board Retreat

29

Wednesday, MBA Golf event at McMenamin's Edgefield
See insert to register.

August

4

Tuesday, MBA Board meeting

10

Monday, September Multnomah Lawyer deadline

21

Friday, MBA Golf outing at Stone Creek Golf Club, Oregon City
See insert to register.

September

1

Tuesday, MBA Board meeting

7

Monday, Labor Day – MBA closed

10

Thursday, October Multnomah Lawyer deadline

16

Wednesday, MBA Golf Championship and Dinner at Pumpkin Ridge
See insert to register.

17

Thursday, YLS PDE fall series begins
See insert to register.

23

Wednesday, MBA CLE Litigating a Trade Secrets Case
See insert or register at www.mbabar.org.

24

Thursday, Campaign for Equal Justice Young Lawyers Party Under the Stars
Visit www.cej-oregon.org for details.

25

Friday, OWLS fall CLE, 20th Anniversary and Award Presentation
Visit www.oregonwomenlawyers.org for details.

29

Tuesday, MBA CLE The Oregon Inheritance Tax
See insert or register at www.mbabar.org.

October

6

Tuesday, MBA Board meeting

8

Thursday, OWLS Benefit and Fashion Show, Dress for Success
Visit www.oregonwomenlawyers.org for details.

9

Friday, November Multnomah Lawyer deadline

14

Wednesday, MBA Absolutely Social at University Club
Visit www.mbabar.org for details.

23

Friday, CEJ LAFF-OFF
Visit www.cej-oregon.org for details.

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Ethics Focus

By Mark J. Fucile, Fucile & Reising.

Lawyer Directors: Good Business or Bad?

Lawyers have long served as directors for companies that their firms represent. In many situations, it is good business for both the client and the firm. The client gets the benefit of a seasoned advisor and the firm tightens its bond with the client. At the same time, having a firm lawyer serve on the board of a client can present risks for both. The OSB in Formal Ethics Opinion 2005-91 and the ABA in Formal Ethics Opinion 98-410 offer excellent advice to lawyer-directors, their firms and their clients on the risks that go along with the benefits of having a firm lawyer serve as a director for a firm client. In this column, we'll examine some of those risks. We'll first look at conflicts and then examine several risks beyond conflicts.

Conflicts

Conflicts for lawyer-directors come in three basic variants. They are "variants" because although each puts the accent on one side or the other of "lawyer-director," all of them stem from the same potentially dueling tensions. With each, the conflict arises on the "lawyer side" under RPC 1.7(a)(2), which governs conflicts between the lawyer's financial interest and the interests of the client. Under RPC 1.10(a), the "firm unit rule," the lawyer-director's conflict will be imputed to the firm as a whole. On the "director side," the conflict is governed by controlling corporate law.

First, some conflicts focus primarily on the lawyer-director's role as a lawyer. Formal Opinion 2005-91, for example, gives the illustration of a lawyer-director who is representing the corporation involved in litigation and whose performance in the case is subject to board review.

Second, some conflicts focus primarily on the lawyer-director's role as a director. *In re Kinsey*, 294 Or 544, 660 P2d 660 (1983), for example, involved a lawyer-director whose role and potential testimony as a director became a critical element in a shareholder derivative case the lawyer's firm was handling for the corporation.

Third, some conflicts focus squarely on the lawyer-director's dual roles. Again, Formal



Opinion 2005-91 provides ready examples of this variant with the board negotiating with the lawyer-director's firm over compensation generally or a specific business transaction involving the two.

Beyond Conflicts

Although not an exhaustive list of risks beyond direct conflicts, others include potential confusion over who is the client, loss of the shield from liability for assisting in the breach of a corporate fiduciary duty and potential loss of the attorney-client privilege.

Who Is the Client? Under RPC 1.13(a), the client of a law firm representing a corporation is the corporation itself. Yet, lawyer-directors can often come to be viewed by key corporate officers and fellow directors as "their" lawyer, too. Although RPC 1.13(g) does not prohibit such additional representation, it can be fraught with problems if there are later differences between the corporation and the individual corporate officer or director. *In re Jans*, 295 Or 289, 666 P2d 830 (1983), for example, involved a lawyer who was counsel for both the corporation (of which he was a part-owner) and its key officer and who later represented the corporation against the officer over the employment contract the lawyer had negotiated between the corporation and the officer.

Assisting in Breach of Fiduciary Duty. In *Reynolds v. Schrock*, 341 Or 338, 142 P3d 1062 (2006), the Oregon Supreme Court ruled that lawyers could not be held liable for assisting in a client's breach of a fiduciary duty to a third party if the lawyer was simply providing otherwise lawful legal advice to the client within the course of a lawyer-client relationship. This immunity from "aiding and assisting" liability, however, does not apply if "the lawyer acted outside the scope of the lawyer-client relationship." (341 Or at 351.) With a law firm that solely provides legal advice to a corporate client, that line is fairly well demarcated. With a lawyer-director, however, that line can become much less distinct and, in some situations, can put the shield from liability afforded by *Reynolds* at risk.

ANNOUNCEMENTS

MBA Bylaws Changes Approved by Membership

At the May Annual Meeting, MBA members approved a bylaws change allowing for electronic voting. In June, additional changes were approved to the bylaws. The number of board directors was changed to allow for four directors to serve three year terms. Previously, three MBA directors were elected each year to serve four-year terms.

At its June meeting, the MBA Board elected Bonnie Richardson of Folawn, Alterman & Richardson to serve a three-year term.

MBA Family & Friends Golf Event July 29

Golfers young and old and of all experience levels are encouraged to play the 12-hole Pub Course at McMenemy's Edgefield on July 29. This fun, family-friendly afternoon includes a putting contest, prizes and goodie bags for all. Co-sponsored by Oregon Women Lawyers Foundation. For more information or to sign up, see the insert in this issue.

MBA Classified Ads Now Available on the Web

For years, the public has had access to our classified position

ads at the following page: www.mbabar.org/employmentbulletin.htm. Now, the rest of the *Multnomah Lawyer* classified ads are also available online, at www.mbabar.org/Classifieds.htm. The MBA member cost to advertise in the classifieds is \$40 for the first 25 or fewer words and \$.50 per word thereafter. Nonmembers pay \$75 for the first 25 or fewer words and \$.50 per word thereafter. If you would like to place a classified ad, please email your text to carol@mbabar.org for a price quote.

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.

Take a Matter that Matters

Sign the MBA 2009 Pro Bono Pledge at www.mbabar.org/probono.htm and commit to taking at least one pro bono case this year.

MBA Noon Time Rides

Gather at SW Yamhill and

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

OSB Labor and Employment Law and Diversity Sections Sponsor Seminar

A three-hour CLE seminar will be offered on Friday, July 24 from 9 a.m.-12:30 p.m. at Bullivant Houser Bailey to train volunteer attorneys to effectively represent low-wage immigrant workers on the non-payment of wages and workers' compensation discrimination claims. Kyle Busse, Art Schmidt and Diane Schwartz Sykes will conduct the training. Training materials will be provided.

Who may attend: Those who have signed up as volunteers to take pro bono referrals of cases. Interpreter assistance and translation of essential documents for clients is available to volunteer attorneys. CLE credit is pending; one hour will qualify for access to justice.

If you are interested in signing up to take pro bono referrals and/or wish to participate in the upcoming training, please email Diane Schwartz Sykes at dsykes@oregonlawcenter.org.

The Attorney-Client Privilege.

Lawyer-directors often provide both legal and business advice to their corporate clients. Although the former falls within the attorney-client privilege, the latter does not. As Professor Kirkpatrick put it in his leading treatise, *Oregon Evidence*: "If the client consults with the lawyer as a friend, counselor, business advisor, executor, investigator, tax preparer, attesting witness, or scrivener, the privilege will not arise." (5th ed. 2007 at 307.) Comment 35 to ABA Model Rule 1.7, upon which Oregon's corresponding rule is patterned, echoes this and advises lawyer-directors to counsel fellow board members on the scope of the privilege so they will not inadvertently conclude that it applies whenever the lawyer-director is present regardless of the topic under discussion.

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.

Oregon Asian Pacific American Bar Association

Oregon's newest bar organization, the Oregon Asian Pacific American Bar Association (OAPABA), celebrated its formation in June.

Inspired by attending the 20th anniversary conference of the National Asian Pacific American Bar Association (NAPABA) in 2008, about 15 Portland APA attorneys formed this organization and planned the launch event. Mami Fujii, one of the founders, described why she believed it was time for Oregon to have an APA bar association, "Having grown up in Japan as a majority, I know that being a minority still means something in this country. I wanted to see a community where being an Asian was not an issue - if anything, only a reason to celebrate." OAPABA is an affiliate of NAPABA, which represents the interests of



Secretary of State Kate Brown attended the event

over 40,000 attorneys and 58 local APA bar associations.

The law firms of Farleigh Wada Witt, Holland & Knight, Miller Nash, Perkins Coie and Schwabe Williamson & Wyatt sponsored the event.

For more information contact David Wang, david.wang@hkllaw.com.



OAPABA founders

Tips for Alleviating Stress Mid-size Firm Partners to Meet

Excerpts taken from the ABA Bar Leader Toolkit

“...The question is how to reduce stress and improve coping during the current economic crisis, when fear of job loss, failure to find another one or being in transition has the potential to create panic and paralysis.

“The following are tips to help reduce stress:

- Breathe deeply. Shallow breathing – what most people do under stress – reduces energy levels, mental alertness and confidence.
- Understand how the dichotomy of “hurry up” and “be careful to avoid mistakes” can form the yin and yang of working wisely and efficiently.
- Realize which tasks are essential and which are not, creating “don’t do” lists as well as “to do” lists.

“Here are some tips that will help increase resilience:

- Connect with others, especially family and friends who are supportive
- See crises as solvable problems by having short- and long-term goals and

learning to deal with negative feelings

- Accept oneself and others, acknowledge strengths as well as weaknesses, keep values in line with actions
- Communicate effectively, verbally and non-verbally, listening and speaking
- Nurture a positive viewpoint while sleeping eight hours a night, eating three meals a day, exercising and cutting down on alcohol, caffeine and tobacco.
- Deal effectively with mistakes, treating them as opportunities for learning.”

The MBA Board approved a proposal to establish a mid-size firm roundtable discussion group. Firms with 5-19 attorneys in Multnomah County would be eligible to join. Mid-size firms will receive a letter this fall, inviting one or two partners from each firm to participate. Ideally, firms would have one more experienced partner and one less experienced partner attend so that diverse views are represented.

This group is being modeled after the longstanding Managing Partners Roundtable, which is for firms with 20 or more attorneys. Topics the managing partner group has addressed in recent years include: part-time arrangements, management vs. leadership, diversity, billable hour expectations, and accounting issues facing managing partners.

The goal for the mid-size firm group is to share information and collaborate.

David Bean of Meyer & Wyse has agreed to lead the group, at least in its early stages. If you have questions, ideas, and want to participate, call David at 503.228.8448 or email him at dib@meyerwyse.com.




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Diversity at K&L Gates

By Carol J. McCoog, K&L Gates.



Another benefit to the firm-wide committee's efforts is our sense of collaboration and community. In Portland, the combination of a smaller legal community and fewer attorneys of color mean that someone could easily find oneself to be the sole representative in the office. To combat a sense of singularity and promote community, the firm has established five affinity groups. They are the Asian Pacific American Group, Black/African-American Group, Disabilities Group, Gay, Lesbian, Bisexual and Transgender Group and Hispanic/Latino Group. Each affinity group is inclusive and open to all K&L Gates lawyers who wish to participate.

K&L Gates, with 1,900 lawyers globally and 20 in Portland, recognizes that establishing and maintaining a diverse and fully inclusive workforce is essential to a strong law firm, and the firm is justifiably proud of its achievements in diversity. In 2008, we were ranked one of the Top 100 Law Firms for Diversity by *Multicultural Law* magazine, and one of the Top 100 Law Firms for Women by *Women 3.0* magazine. K&L Gates was honored among the best law firms for women by *Working Mother* magazine and Flex-Time Lawyers LLC in their first-ever "2007 Best Law Firms for Women" list. The firm's director of diversity was recently elected to the board of directors of the Association of Law Firm Diversity Professionals.

Although the Portland office has been able to achieve a high level of gender diversity and some lesbian, gay, bisexual, transgender and racial diversity, the challenges remain and our objective stands: to develop the most skilled and diverse workforce possible. To achieve this objective, K&L Gates has a multi-office diversity committee, with representatives from almost every office, including Portland. One of the advantages of being part of such a strong global firm is the resources we can put behind our diversity efforts around the entire firm. We work to promote diversity both within and outside our firm. We are able to make substantial investments to support the work of major national initiatives like Corporate Counsel Women of Color, the James M. Nabrit Jr. Lecture Series, and a number of minority lawyer bar groups around the country.

The Pacific Northwest region faces significant challenges in recruiting and retaining a diverse attorney population. We are statistically less racially diverse than other regions. Because there are fewer attorneys of color in the Pacific Northwest, we need to actively recruit from outside this area. However, attracting and retaining attorneys of color from outside is difficult because we have a less diverse population. This Catch-22 has to be tackled from the ground up, which is one reason that a number of our diversity efforts in Portland are focused on building opportunities and leveling the playing field for potential and active law students. We support the work of OLIO and contribute to the scholarship fund. By working to increase the number of diverse candidates graduating from the region's law schools, we strengthen our local legal community as well as make the region a more attractive option for interstate attorneys of color.

I currently serve on the firm's diversity and the associates committees and formerly served as the Portland hiring partner. This exposure gives me a direct perspective on the challenges of recruiting and retaining diverse attorneys at large firms, particularly here in Portland.

As a partner, I serve in these leadership positions to fulfill my responsibility as a steward of the firm. However, as an Asian

American and a woman, I believe that my service in these positions also helps to promote diversity internally and externally and may help to dispel preconceived notions within the legal community and beyond about what a partner, particularly in a leadership position in a large law firm, looks like. I also serve as chair of the Municipal Debt Advisory Commission, a Governor-appointed commission that provides technical assistance to Oregon local governments and state agencies to improve the

market for bond issues in Oregon. Serving as chair on this state-wide commission gives me another opportunity to promote diversity by example.

I feel fortunate to be a partner at a firm that recognizes and embraces the moral and business case for diversity and supports my efforts within the firm and within my community to increase diversification of the attorney ranks here in Portland.

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AROUND THE BAR



Katherine Heekin

HEEKIN LAW FIRM

Katherine Heekin, founding partner of the firm, has been elected a member of the Fellows of the American Bar Foundation, which recognizes outstanding achievements in the legal profession.



Tom Hutchinson



David Ernst



Monica Wells

BULLIVANT HOUSER BAILEY

The firm acted as counsel for the Yellowstone Club and successfully prosecuted a \$375 million fraudulent transfer action alleging predatory lending by Credit Suisse, paving the way for the club's successful reorganization. The case against Credit Suisse may also mark the end of the bank's syndicated

term loan product, which it aggressively marketed to a number of luxury developments that have, like the club, been forced into bankruptcy.

The Yellowstone Club was represented by a comparatively small team of Bullivant attorneys and paralegals, including **Tom Hutchinson** and **David Ernst**.

Monica Wells, associate attorney with the firm, has joined the Child Abuse Response and Evaluation Services (CARES) Northwest Resource Development Board. The board raises funds, in-kind resources and community awareness for CARES Northwest and works to match program opportunities with community supporters.

Wells' legal practice is focused on personal injury claims, primarily defending companies in toxic tort and product liability claims. She has performed pro bono legal work for the Children's Center of Clackamas County and CARES Northwest.



Marcus Eyth

DAVIS WRIGHT TREMAINE

Marcus Eyth, a senior associate who recently passed the Oregon Bar, has experience advising foreign and US companies on all aspects of construction and government procurement contracting, commercial transactions and litigation matters. He focuses his practice on contract dispute resolution, including mediation, arbitration and litigation and also maintains a commercial leasing practice, representing tenants and landlords.



Lisa M. Umscheid

BALL JANIK
The firm has named **Lisa M. Umscheid** as partner.



Dina Alexander

Umscheid represents small, medium and national clients, as well as public agencies, in federal and state court litigation, in a variety of employment subjects, from violations of Title VII to negotiating and drafting employment contracts.

Dina Alexander was welcomed back to the firm as a partner. In the last five years, she has played a leading role representing the developers of South Waterfront, a \$2 billion, multi-phase, public/private project in the North Macadam area of Portland.

Oregon Business Magazine named Ball Janik one of the "100 Best Green Companies to Work for in Oregon." The firm has also received the RecycleWorks award from the City of Portland Office of Sustainable Development's Recycle at Work program.



Richard Meneghello

FISHER & PHILLIPS

The national labor and employment law firm announced that **Richard Meneghello** has begun his term as managing partner of the Portland office. Fisher & Phillips' management succession plan allows for a new office leader every two years.

Meneghello has been instrumental in building the firm's practice in the Northwest. He focuses much of his practice on disability discrimination defense issues. He was the lead associate attorney before the US Supreme Court in the 1999 case of *Albertsons v. Kirkingburg*, a decision interpreting the Americans with Disabilities Act in favor of employers. Besides disability discrimination matters, he commonly appears in court defending claims of sexual harassment, gender

discrimination, workers compensation discrimination, public accommodation, race discrimination, retaliation, wage and hour violations and family and medical leave discrimination. Meneghello also regularly represents employers in labor grievance arbitrations.

SCHWABE WILLIAMSON & WYATT

Schwabe was given the highest law firm ranking on *Oregon Business Magazine's* list, the "100 Best Green Companies to Work For in Oregon." In addition, the firm was also ranked as the state's 11th greenest company to work for overall.



Rosemary A. Colliver



Peter D. Mohr

TONKON TORP

Rosemary A. Colliver has been elected to the board of directors of the Oregon Sports Authority.

An intellectual property attorney with the firm, Colliver focuses her practice on sports and entertainment. She has represented various companies as well as individual athletes and celebrities in music, television and film.

Portland environmental and natural resources attorney **Peter D. Mohr** has joined the environmental, energy and water law practice at the firm, where he represents both public and private sector entities on water acquisition and development strategies, water rights adjudication, environmental and energy permitting and compliance issues.



Iris Tilley

BARRAN LIEBMAN

Iris Tilley has joined the firm, where she will focus her practice on ERISA compliance and executive compensation.

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.

Introducing MBA Board Director Bonnie Richardson

At its June meeting, the MBA Board elected Bonnie Richardson, the managing partner of Folawn Alterman & Richardson LLP, to fill a new three-year term created by the recent MBA bylaws change.

Bonnie is a civil litigator. She chaired the MBA CLE Committee and is a pro bono volunteer for the Oregon Law Center. She just completed a three-year term as the Area Team Chair for American Field Service, a cultural exchange program that "provides intercultural learning opportunities to help people develop the knowledge, skills and understanding needed to create a more just and peaceful world."

In June, MBA members approved changes to the MBA



bylaws which altered terms for officers and directors and allowed for four directors to serve three years. Previously, three directors were elected annually to serve four-year terms.

The MBA Board welcomes Bonnie Richardson as its newest director.

Tips from the Bench

By Judge Leslie Roberts, Multnomah County Circuit Court.



“First, your return to shore was not part of our negotiations nor our agreement so I must do nothing. And secondly, you must be a pirate for the pirate’s code to apply and you’re not. And thirdly, the code is more what you’d call ‘guidelines’ than actual rules. Welcome aboard the Black Pearl, Miss Turner.”

– **Barbarossa, Pirates of the Caribbean**

My topic is the trial of complex jury cases. While it no doubt is true that most individuals in practice don’t try complex cases frequently, Multnomah County Circuit Court does try them on a regular basis. When the time comes that you have a big case, you want to handle it efficiently and in light of court expectations.

Multnomah County Circuit Court has practices for large civil cases that are “more what you’d call ‘guidelines’ than actual rules.” Knowing the guidelines (and their flexibility) avoids a great deal of trouble, even if you will not be forced to walk the plank in case of error.

“Knowing the guidelines (and their flexibility) avoids a great deal of trouble...”

There are relevant rules, of course. UTCR 7.030 provides for the designation of a “complex” case on the motion of any party. There are no hard and fast criteria: the case may be complex because of the number of parties, the legal issues, special problems involving discovery, or the length of time it will take to try it. Those factors are not exclusive. If it looks and feels complex, it may qualify.

If the case is designated complex, presiding court will assign it to a judge for some or all purposes. Complex cases are no longer governed by the usual rules of trial scheduling. Trial of complex cases should occur within two years from filing, except when

the assigned judge finds good cause to extend that deadline. UTCR 7.030.

The rule takes you that far, at which point guidelines and practices take over. In my court, after special assignment for trial, we set a fairly prompt scheduling conference, in which all the parties will confer and arrive at a schedule for the path to trial. The scheduling conference will also address the dates for further status conferences, and the dates on which the trial will be conducted, unless the trial dates are already determined. Here is a tip: bring your calendar - and that of your essential witnesses and experts - to the conference. (Excuse my stating the obvious - lawyers don’t always do this. One might have thought the label “scheduling conference” would have hinted at the usefulness of calendars.)

The topics that may be addressed in the scheduling conference are deadlines for completion of pleadings, addition of parties, motions regarding pleadings, discovery requests, times for depositions, confidentiality orders, resolution of special discovery problems (such as electronic discovery), filing of dispositive motions, exchange of documents, witness issues such as perpetuation or testimony to be taken out of order, and any other issue that could be addressed to advance the case in an orderly fashion. Resolving all those

“It is extremely helpful for the attorneys to discuss among themselves...”

matters in a conference with the judge and all of the parties can bring order to what might otherwise be a frustrating and never-ending round robin of calls and emails to coordinate multiple lawyers’ schedules and positions. It is extremely helpful for the attorneys to discuss among themselves, before the scheduling conference, any topics that might be raised during the conference. They can then present tentative agreements on as much as possible, and spend the court’s time on matters in dispute.

One advantage of having an assigned judge for a complex case is the advance notice of the particular judges’ trial preferences and practices. Our Fridays are, as most lawyers are aware, reserved for long motions, and we do not ordinarily use them for trial; an exception is not only possible, but frequent, in the case of a specially set, long jury trial. In my personal view, the shorter the total time span over which the case extends, the better: jurors prefer it, and any trier of fact - judge or juror - keeps a better grasp of the testimony over a shorter period of time. This sort of individual

preference can be discussed with the assigned judge at the scheduling conference.

The compilation of trial practices in the *Recommended Practices Manual for Civil Jury Trials* (available on the court’s web pages) provides general guidelines - but be very aware that they are merely guidelines. They are not code. An individual judge may well disagree with certain statements in the manual, and an individual case may require a departure from guidelines generally followed. It is a good idea to confirm the preferences of the particular judge assigned to your case. One source of information about that judge’s preferences is the judge’s individual web page, found as a link from the Multnomah County Circuit Court web page. My page, for instance includes a memo regarding practices in my courtroom. Another source for judges’ preferences is the *MBA Judicial Practices Survey*, available at no charge to MBA members at www.mbabar.org/membersection/members.php.

“...don’t be a stranger in the courtroom...”

Finally, in adapting to the assigned judge, don’t be a stranger in the courtroom. Meet the clerk and judicial assistant and discuss with them what might make their work easier. Make sure you know what courtroom resources are available and what you need to supply, such as projector or video player and television screen. Some courtrooms - mine is a good example - are quite compact. Let us know if you will use large exhibits, movie or PowerPoint presentations, or demonstrations. With enough notice, we may seek a trade of courtrooms for more spacious accommodations. Discuss what files and exhibits you will want to leave in the courtroom during trial, and where to put them. At least include courtroom staff in planning the logistics. Be sure that the equipment you expect to use is available, that the cords are long enough to reach to the electrical outlets, and that the jurors will be able to see what you intend to show them.

Knowing that the jury coordinator had to have advance notice of long jury trials, I felt sure there was an official rule defining counsel’s responsibility for the need for extra jurors. I assigned my clerk to locate the rule. This seems a true example of a Multnomah County corollary to the Code of the Brethren. There is no code, but “more what you’d call ‘guidelines.’” The jury coordinator reports that, if a jury trial is expected to exceed eight trial days, then

the coordinator should be given at least 28 but preferably 42 working days’ advance notice of the need to send out additional juror summons to accommodate the request. (This should not be confused with the obligation to notify presiding court, in cases not otherwise specially assigned, at least 30 days in advance of trial if a jury trial is expected to last longer than five days - also one of those non-code guidelines - for pre-assignment for trial.)

The reality is that - regardless of any rule or guideline - the jury coordinator is subject to the practical necessity to send out more than the usual quantity of summons for any long jury case. The longer the trial, the more potential jurors who will be excused based on hardship. Hence, more jurors will have to be called for voir dire to secure the number needed for jury selection. Whether the case is specially assigned or not, it is the responsibility of the lawyers to ensure a timely notice of the need so that additional summons will be issued.

For complex cases, lawyers sometimes wish to have a special panel summoned at least a day prior to the first day of trial, in order to ask jurors to complete a special questionnaire prepared by the lawyers with the court’s approval. In theory, such a questionnaire can allow the lawyers to use voir dire more efficiently and effectively. That is patently impossible if the jury coordinator learns of the request too late to prepare and send the appropriate summons. Such a request must be raised with the judge, or if none is assigned, with presiding court, well in advance.

“There is no benefit in waiting until the last moment...”

There is no benefit in waiting until the last moment; it is better to build in a comfortable margin. The jury coordinator needs 42 days. I would suggest calendaring the request to the judge (with copy to the judge’s clerk) for two months in advance of trial.

Finally, I must add a probably futile plea to include serious settlement negotiations in the schedule for the big case (sometime well before the customary period of two to three days before commencement of trial). With that purpose in mind, you may consider asking the assigned judge for a preliminary determination of issues that would assist the parties in valuing the case and thus in reaching a mutually acceptable resolution. It must be obvious that the courthouse steps are a particularly expensive point to reach before agreement. Can someone say, “Parley?”

US Supreme Court Rules when Judges must Withdraw over Campaign Contributions

The US Supreme Court ruled June 8 that judges should withdraw from considering cases when their campaign “contributions are so large, so important, or so closely tied to a pending case as to ‘imperil’ public confidence in the fairness and integrity of the nation’s elected judges.”

Statement by ABA President Thomas Wells: “The American Bar Association applauds the Supreme Court’s ruling that judges should withdraw from considering cases before them when contributions to their election campaigns by parties to those cases influenced the outcome of the judge’s election, creating a ‘serious risk of actual bias.’ But the standards laid out by the court must not be viewed as the final word on this issue ... But instances remain where campaign contributions raise suspicions that justice leans to the highest bidder. Studies show the public and even many judges themselves believe campaign money from litigants and from their lawyers influences judicial decisions.

“Courts rely on public confidence in the fairness of our legal system to foster willing compliance with their rulings. When confidence succumbs to cynicism, our government is at risk. The pervasive influence of money on judicial election campaigns threatens to create a crisis of confidence in our state court systems....”

For additional information, please go to www.mbabar.org and link to the *Associated Press* and *National Law Journal* articles.

Camas Meadows Tournament Results

Eight groups teed off at Camas Meadows Golf Club on May 14.

First place team: Rick Saturn, Roscoe Nelson and Scott Sorensen-Jolink - score 65.

Second place: Eric Young, Mark Twedt, Tom Melville and Roger Olson - score 66.

Third place: Kevin Glynn, Peter Eidenberg, Peter Tuenge and Scott O’Donnell - score 67.

Retrospective Profile – Judge Kristena LaMar Multnomah County Circuit Court

By John C. Rothermich, Garvey Schubert Barer and Court Liaison Committee member.

Judge Kristena A. LaMar will retire at the end of October of this year after serving for 25 years as a circuit court judge in Multnomah County. Her judicial career has been uniquely focused on alternative dispute resolution. She is the head of the Dispute Resolution Department of Multnomah County Circuit Court, and she has served as the only full-time settlement judge in Multnomah County since 1987. She is involved in a variety of professional activities involving alternative dispute resolution, too numerous to mention.

Judge LaMar grew up in Lafayette, Indiana, and attended Purdue University, where she graduated in 1970 with a degree in speech communications. Then she entered the University of Michigan Law School and received her degree in 1973. She wanted to join the Peace Corps, but instead became a VISTA volunteer. She chose the Family Law Center - Legal Aid Service in Portland, although she knew no one here.

After a year as a VISTA attorney, Judge LaMar spent several years in private practice, focusing primarily on family, juvenile, probate and tax law. In 1981, she served as co-counsel to the Oregon Senate Judiciary Committee, the year the legislature passed the Oregon Evidence Code.

Judge LaMar's first foray into the arena of alternative dispute resolution ended abruptly. In

1977, she was a founder of the Family Mediation Center together with three other attorneys and four mental health professionals to help litigants co-mediate family law issues without resorting to the courts. Ironically, the OSB ruled that the arrangement was ethically impermissible. The rules have obviously changed dramatically since, thanks in part to Judge LaMar's own efforts.

Judge LaMar's judicial career began in 1981, when the juvenile court judges asked if she would be interested in filling a temporary position as a Multnomah County juvenile court referee. She first served part-time and then as the full-time referee until 1984. Then, at the suggestion of several sitting judges, she ran against a recently-appointed circuit court judge in a rare contested judicial election. After a campaign in which each candidate spent \$20,000, she won the election with 55% of the vote. She took her seat in November 1984 as the first female general trial bench circuit judge.

As a new trial court judge, Judge LaMar handled "any assignment that came along" - criminal and civil jury trials, domestic relations and juvenile court cases. When the late Judge R.P. Jones started conducting settlement conferences in 1987, Judge LaMar volunteered to ease his case load. Her settlement conferences quickly evolved from one case a week, to the best part of her job. "People actually left

"People actually left the conferences happier than they were when they came..."

the conferences happier than they were when they came - better than they seemed to feel after trial!"

When Judge Jones no longer handled settlement conferences, Judge LaMar took over the 161 cases awaiting meetings. By October 1987, she had a full docket of cases to mediate and became exclusively a settlement judge. Since that time, she has devoted her career to alternative dispute resolution, and has been the chair of both the Multnomah County Arbitration Commission as well as the newly formed Mediation Commission.

"She worries that the lack of readily available settlement judges may deprive low-income family court litigants of the ability to resolve disputes at no cost."

Asked which attorneys are most effective in settlement conferences, Judge LaMar suggests that many attorneys are too focused on what victories

might happen in trial. An effective advocate in mediation needs to be able to use the law to help think about creative solutions instead. An attorney must also take the time to explain the risks and costs of the case and likely outcomes. When attorneys and their clients don't have a clear understanding of a negotiation strategy, it is difficult for any neutral party to offer assistance.

Judge LaMar wonders what her retirement will mean to alternative dispute resolution in Multnomah County and the state. She worries that the lack of readily available settlement judges may deprive low-income family court litigants of the ability to resolve disputes at no cost. She is also concerned that the databases she maintains to track settlements and jury verdicts won't be maintained after her retirement. One database alone contains over 1,600 verdicts over the last 20 years. These

databases have proven invaluable to lawyers and litigants over the years in assessing risks and benefits of settlement versus proceeding to trial.



Judge Kristena LaMar

"While law schools may teach procedure and case law, I am afraid they often don't impart training in problem solving and empathy. I hear a large number of law school graduates aspiring to being courtroom advocates. I doubt that most litigants have that goal when they engage an attorney. Like the practice of medicine, the goal is the health of the patient, not whether the surgery was textbook."

On a more personal note, Judge LaMar recently became the daughter-in-law of another groundbreaking Oregon jurist, Justice Betty Roberts, the first woman to serve on the Oregon Court of Appeals and the Oregon Supreme Court. Judge LaMar will continue to serve in the Oregon courts as a Plan B judge; and she and her husband look forward to travel, time at their coast cabin, learning some languages and new skills, volunteer work and spending time with their families. And, who knows, she says, some new ADR project may come along!

Carol Hawkins Celebrates 10 Years with MBA

By Judy A. C. Edwards, Executive Director.

You probably know Carol because she has been with the MBA the longest of our staff members and is one of our first to answer the phone. You probably know she's the one to call for information, help with court-related matters, newsletter articles and classified advertisements. But that only begins to describe the wide range of duties she covers.

Besides being our executive assistant, she is also our communications administrator

and is staff liaison to various committees - in other words, her myriad of jobs includes supporting the board, the court liaison, judicial screening and judicial speakers' committees, coordinating and writing newsletter articles and calendars, and managing all of our supplies. Phew! If this weren't enough, she also writes and sends all press releases and updates several sections of our Web site.

Her responsibilities also include posting payments into our

accounting system. MBA's budget is small at \$800,000 but you can imagine the inordinate number of transactions within that amount, approximately 8,000 individual checks and charges to enter, for dues, seminars, tapes, events and foundation and CourtCare donations.

In her spare time she likes to read, especially books on history and philosophy. Carol also enjoys writing, cooking, hosting family and friend parties and compiling family history. She's investigating how to publish her story about her many very interesting and unique ancestors and family members, which includes her parents who were accomplished, professional musicians with the Oregon Symphony. Carol and her nearly 85-year-old auntie attend the Oregon Shakespeare Festival every year. She is married to a police officer, has three grown children and five grandchildren so far.

She and her husband ride their Harley on trips, and most recently



Visit Carson the foal at www.whisperingwindsequinrescue.com

visited five states, travelling 3700+ miles in over two weeks. Highlights of that trip included stops at the Whispering Winds horse rescue center in Roseburg, Monument Valley, Grand Canyon, riding home through the small towns along the John Day River and talking to local people struggling to make a living. Carol and her husband made a point of trying out many of the local, small cafes along the way. But their most interesting experience was staying

in a motel in Spray, where they never met the landlady because she only spoke to them on the phone. The room was unlocked, but a key had been thoughtfully placed on the microwave. Unfortunately, the timing of their stay in Spray was just after the big, small-town rodeo, attended by hundreds of people.

Carol is an important part of the Multnomah Bar Association and we are lucky she has spent a decade with us. Thank you Carol!



The Canyon IS Grand

5th Successful Year of Service to the Public's *Imprint Program*

By Cashauna Hill and Jeanne Sinnott, *Imprint Program co-chairs.*

This spring, 130 local attorneys and students continued in the tradition of fostering a love for reading and writing by becoming "pen pals" through the Imprint Program, which has been coordinated by the YLS Service to the Public Committee for five years. Over the course of a semester, each student-attorney pair discussed and shared thoughts about a book through letters. The participants then met face-to-face at a school party.

Each year, the number of Imprint volunteers has increased and this year's program paired approximately 130 volunteers with students in two 10th grade classes, two sixth grade classes, and one ninth grade class in the Parkrose School District. For the students, Imprint provides a fun and exciting opportunity. Sixth grade teacher Ann Stinson notes that her students were excited to receive their individually addressed letters. Among other things, Ms. Stinson notes, the program offers students an opportunity to exercise independence: "So much of school is focused on the group; everyone does the same thing. Writing letters was great because students could choose what to write and the correspondence became theirs alone."



Attorney and student pen pals at the Imprint Program party

Parkrose High School teacher Nerissa Ediza has participated in Imprint for four years. This year, one of Ms. Ediza's ninth grade classes participated, as did two of her 10th grade classes. "The impact that the volunteers make on our students lasts beyond just the few months of letter writing. This is an experience that kids talk about for years afterwards." Ms. Ediza points out that for some students, the program provides the only adult relationship they will have outside of school and family. Ms. Stinson agrees. "Through Imprint, the kids have the opportunity to make a connection with an adult who is interested in them and their education."

The volunteers also find Imprint to be a rewarding experience. Steve Powers, an attorney with

the Board of Parole and Post Prison Supervision and a three-year Imprint veteran, sees the program as a "phenomenal opportunity to connect and engage with the community and get a glimpse of the future of Oregon as seen through the letters of a student."

Imprint continues to be a fun and valuable experience for both students and volunteers. Ms. Ediza says that Imprint is about "sharing a love of reading and writing, connecting with teenagers, and learning about our community."

If you are interested in volunteering for the Imprint Program, please contact Kathy Maloney at kathy@mbabar.org.



May YLS Social Features Wine tasting

On May 20, the YLS Membership Committee hosted an informal wine tasting event for young lawyers. The event was well attended and provided young lawyers with an opportunity to meet in a social atmosphere while learning about wines from all over the world. Special thanks to Vino Paradiso for hosting the event and to the YLS Board for sponsoring the event.



Attendees of the May 20 event were randomly assigned to teams to participate in blind wine tasting. Aaron Cronan, Laura Salerno, Amanda Emmerson and Jeremy Healey worked as a team to determine the wine identity.

Immediate Past President Honored by the ABA

Andrew Schpak, immediate past president of the YLS, was recognized by the ABA Young Lawyers Division as a "Star of the Quarter" at the spring conference held in New Orleans. While serving as the ABA district representative for Oregon and Washington, Andrew organized and coordinated a legal services hotline for disaster victims in the Pacific Northwest who had lost their homes or suffered property damage as a result of the flooding and landslides in December 2007 and January 2008. Andrew, an associate at Barran Liebman, was also recognized for his CLE presentation at the ABA conference on the subject of domestic violence in the workplace.



Join the YLS in Cyberspace

The YLS is on Facebook, the online networking site. If you are already a Facebook member, we hope that you join our group (Multnomah Bar Association - Young Lawyers Section). If not, it is easy to set up even a basic page and join in. Privacy settings ensure that only people you know and approve of can view your information. YLS members are encouraged to post upcoming YLS events, submit photos and share information. Find out what the YLS committees are doing and how you can get involved. Join up today!

facebook

MBA Golf

Continued from page 1

The MBA seeks to increase its support of the VLP by expanding participation and sponsorship opportunities at all golf outings this summer. All proceeds from MBA golf events go to the VLP, so that Mateo, Maggie and other clients like them are able to receive the legal assistance they so desperately need.

Please join us. Network, entertain clients, have fun and help the VLP help Oregon's poorest citizens.

July 29 at McMenamin's Edgefield is the MBA Family & Friends golf event. Golfers young and old and of all experience levels are encouraged to come out for a fun afternoon at Edgefield's 12-hole Pub Course. There will be a putting contest, prizes and goodie bags for all. This event is co-sponsored by Oregon Women Lawyers Foundation.

August 21 at Stone Creek follows a scramble format with shotgun start. This fundraising and networking event includes

golf cart, lunch and prizes. The MBA will donate \$10 of every entry fee and any additional proceeds to VLP.

The season culminates **September 16 at Pumpkin Ridge** in the 12th Annual Championship and Awards Dinner. An annual fundraiser for VLP, this year includes a hole-in-one prize, auxiliary par three prizes, door prizes and more. Firms are encouraged to sponsor the tournament at either the \$500 or \$1,000 level and to put together one or two foursomes to play.

See the golf flyer in this issue of the *Multnomah Lawyer* for details.

For more information contact Pamela Hubbs at 503.222.3275 or pamela@mbabar.org.

Pro Bono Handbooks Now Available

The YLS Pro Bono Committee periodically publishes and distributes Domestic Violence and Juvenile Rights handbooks. Recently updated and available in English and Spanish, the booklets are intended to assist attorneys doing pro bono work as well as provide legal information and resources to those in need. Copies are available at the MBA office and at mbabar.org/yvspublications.htm.

Printing made possible by the generous support from Scarborough McNeese O'Brien & Kilkenny PC and Square Deal Wine Company.



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2009 MBA Membership Survey Results

By Judy A. C. Edwards, Executive Director.



(Please call me if you would like to write an article for the MBA newsletter.)

Every couple of years the MBA asks its members about their membership benefits and opinions on various topics. This year in April, we asked the usual questions, but also added a number of inquiries about the economy and how it was, or wasn't, affecting their firm's work. Overall, we learned that the economy has not impacted our law firms as badly as it has other areas of the economy and not as negatively as law firms elsewhere in the country. One of the reasons is that many of our firms are well diversified with their types of clients and practice areas representing a range of work. Nevertheless, the economy has had an adverse impact on some firms and the MBA wants to reach out and assist by providing training and networking opportunities where it can. A summary of survey responses follows, but you may read the full results in the Member Section at www.mbabar.org.

Summary of Key Areas

Over 1,000 members responded to the survey. Of those responding, 28% were young lawyers; young lawyers are defined as being in practice six or fewer years or age 36 or younger. Most members prefer

email communications over postal mailings, fax or telephone and only 31% of respondents use a social networking site for business.

The top reasons given for belonging to the MBA were CLE programs, contacts with other legal professionals, the *Multnomah Lawyer* newsletter, professional growth and group health insurance. Runners up included serving and promoting the profession and business development/marketing. And of course many told us that they were members because the firm paid their dues and encouraged membership.

Over 94% of our members supported the MBA joining coalitions of law-related organizations to oppose statewide ballot measures that jeopardize the independence of the judiciary. The MBA has been advocating for a new Multnomah County Courthouse and over 65% told us it was important or very important.

Most of the member responses, 88%, indicated that they regularly read the printed *Multnomah Lawyer* newsletter. Only 18% read it online and 64%, if given a choice, prefer the printed and mailed copy over an electronic version. Nearly half however, said that they also would like an email notice with link to the newsletter on the MBA Web site. Most read the newsletter to keep informed about who's doing what, or about CLEs and events. A significant number, 58%, also read it to keep up-to-date on courthouse news, issues facing lawyers and to learn more about practice areas.

A few members told us that they would be willing to write articles on various topics, but since the survey was confidential: **Please let me know if you would like to write an article for the MBA newsletter.**

The electronic newsletter, which is sent out once a month, is found useful by 52%. The MBA Web site, sections on CLE, (new) Member Section, Member Directory, Courts, Calendar and Resources were all rated high. Please go to www.mbabar.org to see for yourself!

In the Economic Impact on Your Practice section, we learned that 67% said their work was remaining stable. The reasons cited most often were areas of practice not affected and diverse practice areas. Of the firms that had been negatively impacted by the economy, the reason given by most members was that their clients were holding off on legal services. Most firms have a line of credit and 24% of those who have a line of credit had need to access it. If a firm's accounts receivables had increased, 23% checked enough to cause concern, 34% said a little, 16% not at all.

When we asked what kinds of services were desired to help those who were negatively impacted by the economy, most members said that the offer was not applicable. However, there was evidence that members would like networking opportunities and training on how to run a firm.

The questions relating to the type of technology support or training members would like, 25% said file management and Web site design, closely followed by Internet marketing and Web site content, database at 18%, social networking 16% and accounting 15%.

About 78% of respondents said that they were aware that several MBA Affinity Partners provide discounted and specialized services.

Survey participants were asked to tell us, in narrative form, what they would like to say to the MBA Board. We heard a wide range of responses from 120 members, from complimentary to deeply critical. A few members complained about the cost of membership. MBA dues, raised to \$100 in 2006, are the lowest in the nation for a bar with more than 2,000 members. MBA membership hovers around 4,400 individuals. All responses to all questions have been given to the MBA Board and staff and we reviewed them at the recent MBA Board retreat.

What will change as a result of survey responses?

Several new initiatives will begin this fall as a result of members' responses to the survey. A reorganized Membership Committee will plan more MBA social events to give members

PRO BONO VOLUNTEERS

Thanks to the following lawyers and law students, who donated their pro bono services in April 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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Leigh Hudson	John Vandenberg
Aukjen Ingraham	Aaron Varhola
Amie Jamieson	Beate Weiss-Krull
Matt Jenkins	Terry Wright
Ed Johnson	Kyoko Wyse
Sam Justice	

additional opportunities to meet and get acquainted with colleagues. The MBA CLE Committee will recruit new members with technology interests to help us develop online CLEs. By this fall, you will be able to not only pay for CLEs online, but also download past MBA audio recorded CLEs and handouts. Past CLE handouts are available at no charge to members at the Member Section of www.mbabar.org.

Please call 503.222.3275 or email either Guy Walden at guy@mbabar.org, or me at judy@mbabar.org if you would like to get involved in the MBA. We will try hard to match your areas of interest with volunteer opportunities available.

Thank you for continuing your MBA membership and for participating in the survey. If you have ideas on ways we can add benefits or improve, please contact me.

All members who responded to the survey were entered into a drawing for a chance to win one of five \$35 gift certificates to be selected by the winners, such as: lunch for two at a restaurant, Powell's Books, iTunes, Nordstrom's, Macy's, LazerQuick, or almost any local business. The winners were Marlene Findling, Glenn Prohaska, David Sugerman, Dana Forman and Frederick Schroeder. The MBA would like to thank all of the members who took the time to respond to the survey.

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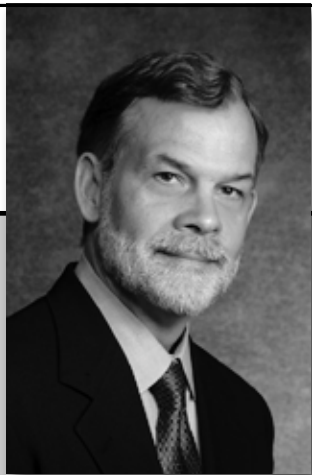
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See, e.g., Vaughn v. First Transit, Inc., 346 Or 128 (2009); Waldner v. Stephens, 345 Or 526 (2008); Boyer v. Salomon Smith Barney, 344 Or 583 (2008) (amicus); Lowe v. Philip Morris USA, Inc., 344 Or 403 (2008) (amicus); Harris v. Suniga, 344 Or 301 (2008); Mid-Century Ins. Co. v. Perkins, 344 Or 196, recons, 345 Or 373 (2008); Mulligan v. Hornbuckle, 227 Or App 520 (2009); Charles v. Palomo, 227 Or App 335 (2009); Bonds v. Farmers Ins. Co., 227 Or App 185 (2009); Morton & Associates v. McCain Foods USA, Inc., 226 Or App 532 (2009); Yowell v. Wild Oats Market, Inc., 226 Or App 419 (2009); Assoc. of Unit Owners of Riverbend on the Willamette Condominium v. American States Ins. Co., 224 Or App 476 (2008); Wilmoth v. Ann Sacks Tile and Stone, Inc., 224 Or App 315 (2008); Worman v. Columbia County, 223 Or App 223 (2008); Rogozhnikov v. Essex Ins. Co., 222 Or App 565 (2008); Kennedy v. Eden Advanced Pest Technologies, 222 Or App 431 (2008); Vogelin v. American Family Mut. Ins. Co., 221 Or App 558, rev allowed, 345 Or 503 (2008); Landauer v. Landauer, 221 Or App 19 (2008); Martinez v. Kulongoski, 220 Or App 142 (2008) (amicus).

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Inspiring Engaged Citizens Conference

By Pamela B. Hubbs, Office and Foundation Administrator.

On May 13, the Multnomah Bar Foundation (MBF) hosted representatives from Bus Project, City Club, League of Women Voters, Oregon Community Foundation and Urban League to discuss opportunities to work together to advance civics education in Multnomah County. Participants included members from both the MBF and MBA boards.

A follow-up meeting is planned for late summer to brainstorm program and project ideas and hone the focus of the partnership or coalition that results.

Standing from left: Barbara Fredericks, League of Women Voters; Howard Moriah and Marcus Mundy, Urban League; Charity Fain, City Club; Leslie Kay, MBA President; Michael Greene, MBF Development Committee

Chair; Gwen Millius, City Club; Lucy Palmersheim, Bus Project; Judge Adrienne Nelson, MBF President; Andrew Schpak, MBA YLS Immediate Past President.

Seated from left: Betsy Pratt and Marge Easley, League of Women Voters; Caitlin Baggott, Bus Project; Jeff Anderson, Oregon Community Foundation; Katherine O'Neil, MBF Board Director.



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