



MULTNOMAH LAWYER

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

December 2011
Volume 57, Number 11



Invest in Civic Education

by Peter Glade
MBF President

We just had an election, but news reports remain dominated by seemingly permanent political campaigns. Local and national debates celebrate one of the most treasured of our many blessings in this country: our right to choose our leaders (and sometimes to directly modify the laws by which we are governed) at the polls. Many have grown weary from the constant media onslaught. Upon reflection, though, most will agree that, flawed as our political system may be, we would not trade it for any other.

To work properly, the system depends on a well-informed electorate. All would agree that policy and leadership choices made by casting ballots ought to be based on an understanding of how our governmental systems work. I have yet to hear anyone advocate basing political opinions and votes on ignorance and misinformation. Yet, polling data and news reports suggest that this is often the case.

Sadly, we know that many voters do not understand governmental fundamentals. Deeply entrenched misinformation and attitudes often will not yield even when confronted by the facts. It has become difficult enough to engage in civil discourse over political issues when opinions are based on reality. When opinions are rooted in mistaken beliefs about how our justice and political systems work, the informed and civil debate to which we aspire becomes impossible, and the result is a deterioration of support for the legal institutions on which the health of community depends. Voters will not support what they do not understand.

One of the obvious antidotes to ignorance is education. Deeper understanding promotes a deeper appreciation of the rule of law, access to justice and the independence of the judiciary and insures better political decisions. The MBA has a long tradition of supporting civic education. In addition to providing educational resources to its members, the MBA has participated in many forms of public outreach. The goal has been to spread the knowledge that will help our fellow citizens better understand the structure and function of our government. In 2006, the MBA established the Multnomah Bar Foundation with a mission to provide financial support to other nonprofits in accomplishing this goal.

The MBF distributes small grants to local organizations committed to increase public appreciation for and knowledge of our legal system and our government. Grants distributed since the MBF's inception total \$221,400. Examples of recent grant recipients include the Classroom Law Project, Sponsors to Assist Refugees (SOAR), and the YOUthFILM Project. A complete list of grantees may be found on the MBF Web site. These grants have enabled their recipients to reach

out to thousands of members of the general public to advance the MBF mission. We believe that these programs have helped make our community a better place to live by enhancing public awareness of the importance of our legal system and civic participation.

In addition, the MBF is collaborating with MetroEast Community Media, Bus Project, League of Women Voters, Urban League and City Club to produce a series of short videos for distribution and broadcast over cable access channels, the OSU cooperative network, YouTube and other channels to inform and educate viewers about how our court and political systems work. This new project will focus on the themes of voter registration and the importance of being an informed voter, civic engagement, calming civil discourse, what goes on in a courthouse, impartial courts, rule of law, balance of powers and the various kinds of courts and how they fit into public safety. The first of these videos will be ready for release this year.

You can advance this mission simply by engaging with others in your community whenever you have a chance to contribute your own knowledge to the discussion.

You can also support this effort by contributing to the funding of the MBF's ongoing grant program. MBA members have generously supported the Civic Education Fund since the establishment of the original 100th Anniversary Community Gift Fund. But the MBF is in the business of granting financial support, so we keep giving money away.

Help keep the MBF an important agent for civic education. Before the year end, consider a donation to the Civic Education Fund. Please use the enclosed donation form or give online at www.mbar.org/donatefoundation.php.

Finally, a word of thanks to the board members who have contributed hours of volunteer effort to advancing the MBF Mission: to increase the public's understanding of the legal system, to promote civic education, public participation and respect for the law, to improve the quality and administration of the legal system and to support programs and projects related to the MBF's purpose. None of this work would be possible without the hard work and dedication of our administrators and staff. Special thanks to Pamela Hubbs and Judy Edwards.

Another Successful Absolutely Social

Over 200 lawyers, judges, sponsors and law school students gathered at the University Club on October 27 for the fall Absolutely Social - The Grape Escape. The event featured wine tastings selected by Matt Levin and Albert Menashe. A team blind wine tasting was also offered. Four teams participated, and the winning team of Jay Chock, Laura Chock and Matthew Erdman each took home a bottle of wine. Cash and canned food were collected for the Oregon Food Bank - thanks to all those who contributed!

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See page 13 for photos from this event

mba|CLE

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

DECEMBER

12.7 Wednesday 2011 Ethics Update

Mary Cooper
Stacy Hankin

12.8 Thursday Employment Related Immigration Law

Turid Owren
Alan Perkins

12.13 Tuesday Ethics: Attorney's Duties to Third Parties

Mark Fucile
Helen Hierschbiel

12.14 Wednesday Challenging Scientific Evidence

Kevin Sali

JANUARY 2012

1.24 Tuesday Multnomah County Presiding Court Update

Presiding Judge Nan Waller
and court staff

FEBRUARY 2012

2.28 Tuesday High Tech Courtroom Presentations on a Low Tech Budget

Kelly Andersen

2.29 Wednesday Complex Litigation Management and Procedural Strategies

Paul Conable
Matt Donohue
Tim DeJong
Susan Eggum

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YLS	Insert

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See insert for all
things YLS.

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MBA 10th Annual WinterSmash

A Family Friendly Bowling Event

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at 503.222.3275 for details.



Tips for Better Brief Writing and Oral Argument (Part 2)

by Hon. Donald C. Ashmanskas
US Magistrate, District of Oregon (deceased)

The following tips were distributed at the September memorial service in honor of Judge Donald C. Ashmanskas. He wrote this piece in 1997. It is based on his actual courtroom observations. The first part of this article ran in the November newsletter.

BRIEF WRITING (continued)

12. Attack Your Opponent:

Your opponent is a sleazebag who should not be believed and that is reason enough to rule against him. So be sure you attack your opponent in the brief, call him names and impugn his motives.

13. **Whine:** Few federal judges are young enough to still have small children at home, but all it takes is a pair of whining lawyers to bring back those nostalgic memories of two six-year-olds squabbling. "Judge, his brief is one page too long." "Judge, he pretended to be negotiating with me while he was secretly preparing a complaint." It will make the judge feel twenty years younger.

14. **Omit No Defense:** Defenses were put on this earth for only one purpose – to be used by defense attorneys. There's no sense letting them go to waste. **Example:** A prisoner filed a civil rights action alleging that female clerical employees at a local jail had been viewing strip searches of male inmates through a peep window. The defendants promptly moved to dismiss the inmate's claim on grounds of qualified immunity, i.e., that they didn't know that such conduct was wrong. Some attorneys might have trouble asserting that defense with a straight face – but that's what junior associates are for.

15. Don't Read the Cases You Cite:

You Cite: You're thumbing through the *Federal Digest* and you find the perfect headnote – you couldn't have written a better holding if you'd tried. Should you read the case just to be sure it really stands for that proposition? Of course not! Why spoil perfection? A lot of bad things can happen when you go beyond the headnote and read the actual case. You might discover that the court was applying Washington law instead of Oregon law, or that there were some distinguishing circumstances. Ignorance is bliss.

16. **Employ See Creatively:** This is one of the most useful signals in brief writing. For instance, you can cite a terribly complicated case to support an obscure procedural point (which the case does not stand for). No one who reads the case can "see" in it what you could – but are they going to admit that? Of course not, because they don't want to admit they are not smart enough to see the brilliant point you are making. This strategy works particularly well with law clerks who graduated from big name law schools but are haunted by subconscious feelings of inadequacy.

17. **Argue Issues Not Before the Court:** This strategy works for both briefs and oral arguments. If the issue before the court is not your strongest, don't fight a losing battle. Change the subject and argue some other issue where you have a chance of prevailing. For instance, if the issue is change of venue, argue the merits of the case, e.g., there no point transferring this case because the defendant can't win in any court.

18. A Little Latin Goes a Long Way¹:

A. Because plaintiff has not shown he suffered measurable injury, his claim must be denied.

B. De minimis non curat lex. Damnum absque injuria. Cadit quaestio.

Which paragraph sounds more authoritative? The second one, of course. Vel caeco apparat. (It would be apparent even to a blind man.) Would you rather tell the jury that your client was "caught between a rock and a hard place," or "a fronte praecipitium a tergo lupi" ("a precipice in front, wolves behind")? If the defendant calls your client a "lying cur," just smile and say: "Proprium humani ingenii est odisse quem laeseris." (It is human nature to hate a person whom you have injured.) Everyone will assume that if you're smart enough to use all these Latin phrases, the rest of your arguments must be of a similar caliber. Experto credite.

19. Don't Search for Recent Decisions:

The job of a law clerk can be tedious. One of the few pleasures they get is to uncover a recent decision that neither party cited. Why deprive them of that pleasure by reading slip opinions or doing a Westlaw search?

20. **Let Your Opponent Do Your Research:** Don't have time to research the theories of your case? No problem. Include the whole kitchen sink in your complaint and let the other side sort them out in its motion to dismiss. Or maybe the judge's law

¹ If you don't know any Latin, ask your local bookstore to order copies of Eugene Ehrlich's *Amo, Amas, Amat and More: How to Use Latin to Your Own Advantage and to the Astonishment of Others* (Harper & Row 1985); Richard A. Branyon's *Latin Phrases & Quotations* (Hippocrene Books 1994) and Henry Beard's *Latin for All Occasions* (Random House 1990) and *Latin For Even More Occasions* (Random House 1991).

Calendar

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

DECEMBER

12.1 Thursday

DJC Battle of the Lawyers event
Visit <http://djcoregon.com/events/law/> for details

12.2 Friday

MBA Brown Bag on Civil Case Management Rules

12.5 Monday

FBA Holiday Social Honoring Senior Judges
Visit www.oregonfba.org for details

12.6 Tuesday

MBA Mentor/Mentee Kickoff Event

12.8 Thursday

OMLA annual meeting
<http://omla.homestead.com>

12.9 Friday

January 2012 Multnomah Lawyer deadline

12.13 Tuesday

Queen's Bench Holiday Luncheon
Visit www.owlsqueensbench.org/holiday-luncheon.html for details

12.14 Wednesday

Washington County Bar Association Holiday Party
Visit <http://wcbabar.org/> for details

JANUARY 2012

1.10 Tuesday

February Multnomah Lawyer deadline

1.19 Thursday

Roosevelt Robinson Celebration & Scholarship Fundraiser
http://law.lclark.edu/giving/roosevelt_robinson_scholarship_fund

FEBRUARY 2012

2.8 Wednesday

CEJ 21st Annual Awards Luncheon
Visit <http://www.cej-oregon.org/> for details

2.25 Saturday

MBA WinterSmash at 20th Century Lanes
Visit www.mbabar.org for details

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clerk can figure out which theories are viable.

21. Always Get the Last Word:

If your opponent files a reply brief, then you *must* file a supplemental response. If she files a sur-reply brief, then you immediately file another supplemental

response. Following oral argument, send the judge a letter responding to your opponent's points. A letter is more effective than a brief because the judge won't realize it is a brief in disguise until he has begun to read it.

Continued on page 13

Ethics Focus

All in the Family Conflicts in Closely Held Corporations

by Mark J. Fucile
Fucile & Reising

When a lawyer or firm represents a corporation, the corporation is considered the client for conflict purposes under RPC 1.13(a). This rule holds true regardless of whether the corporation is big or small. When the corporation is closely held (regardless of size), however, lawyers can face unique conflict issues flowing from the oftentimes fundamental association between the corporation and its owners. In this column, we'll first examine the nuances of the "who is the client?" question in the context of closely held corporations. We'll then turn to the consequences that can befall lawyers who don't carefully delineate who their client is - and is not - in this setting.

Who Is the Client?

When Oregon moved to the RPCs in 2005, the new rules included RPC 1.13 that specifically addresses entity representation. RPC 1.13(a) makes clear that a lawyer or **"...a lawyer or firm representing a corporation generally represents the entity only...."** firm representing a corporation generally represents the entity only and not its constituents (even though the lawyer receives direction from, as appropriate, the corporation's board, officers or other management). Although new to our professional rules, the Oregon Supreme Court in *In re Campbell*, 345 Or 670, 681, 202 P3d 871(2009), noted that RPC 1.13(a) largely codified earlier decisional law.

Notwithstanding the clarity of the rule, there are two exceptions that warrant highlighting when representing closely held



corporations. One is unique to Oregon and the other is not. The "Oregon-centric" exception is the so-called "Banks rule" named for *In re Banks*, 283 Or 459, 584 P2d 284 (1978). In *Banks*, the Supreme Court concluded that for conflict purposes representation of a closely held corporation owned by a single individual or a small, unified family would also be considered representation of the individual or family. Therefore, as was the case in *Banks*, corporate counsel is faced with a significant conflict if a dispute arises between the corporation and the shareholder(s). Although *Banks* was decided under the former DRs, the OSB in Formal Ethics Opinion 2005-85 (2005) observed that until the Supreme Court revisits this issue under the RPCs, *Banks* remains "good law." Ethics Opinion 2005-85 suggests that to avoid the "Banks rule," corporate counsel should clearly advise the individual shareholder or family (preferably in writing) that the lawyer or firm only represents the company and not the shareholders.

The more general exception is found in RPC 1.13(g). This provision allows corporate counsel to also represent an entity "constituent" such as an officer, director or shareholder as long as the dual representations are otherwise permitted by the conflict rules. For example, corporate counsel could do a will for the company president. The

problem, however, is that if while the work on the will is underway the company wants advice on firing the president, the lawyer has a conflict (that, from a practical perspective, is not likely to be waived even though the matters are unrelated). In other circumstances, a corporate officer may seek "informal" personal legal advice from corporate counsel. Even without a fee or a formal agreement, a lawyer may (under *In re Weidner*, 310 Or 757, 770, 801 P2d 828 (1990)) "inadvertently" turn someone such as the corporate officer into a client if the "client" reasonably believes that the lawyer is providing personal legal advice.

Consequences

As Ethics Opinion 2005-85 advises, it is often critical for corporate counsel to make plain precisely who the lawyer does (and does not) represent. If corporate counsel clearly defines who the lawyer represents (preferably in writing) and then acts consistent with that delineation, it will be difficult for a corporate "constituent" to claim later that the lawyer was also representing the constituent and has a resulting conflict. The consequences of failing to define the client are several and are not mutually exclusive. They all flow from the resulting conflict and range from regulatory discipline to disqualification to civil damage claims for breach of fiduciary duty.

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

Rates for MBA members are often as much as 50% lower than those of other local agencies specializing in legal placement. If your firm is weighing the possibility of hiring, you may want to consider one of Legal Northwest's temp-to-hire options to ensure you select a good fit for your firm.

The survey results are compiled by combining the salaries paid by Portland firms, in-house counsel and sole practitioners in the surrounding areas. These salaries do not include the value of benefit plans or bonuses. Legal Northwest is an affinity partner of the MBA.

For questions regarding hiring or salary information, email Aurora Moore or Anneke Haslett at amoore@legalnw.com, or ahaslett@legalnw.com, or call us at 503.242.2514.

Multnomah Bar Association Salary Survey 2011

by Anneke Haslett and Aurora Moore
Legal Northwest



Enclosed in this issue of the *Multnomah Lawyer* is Legal Northwest's 2011-12 salary survey. The survey is based on

salaries paid to legal support staff hired in 2011 in the Portland metropolitan area. Legal Northwest, in partnership with the MBA, has provided the annual salary survey since 1996 as a benefit to MBA members. The survey results provide a broad overview of legal support staff compensation in 2011.

The Portland legal market is experiencing an increase in the hiring of legal support staff in large and small firms. Legal Northwest offers discounted rates and provides hiring guarantees to all MBA members.

mba | ANNOUNCEMENTS

YLS Insert

Look for YLS news in the insert.

Statement of Diversity Principles Available for Your Signature

The MBA Equality Committee invites you to sign the new Statement of Diversity Principles. Read the statement at www.mbabar.org/docs/DiversityStatement.pdf, and demonstrate your commitment to diversity by signing the statement online at www.mbabar.org/diversitypledge.htm.

YLS Prize Won by Andrew Ginis

Congratulations to Andrew Ginis of Ginis Law, who correctly answered the November YLS prize question and won a \$25 lunch gift certificate: The YLS president who was also a legal aid attorney was Cathy Keenan, 2002-03.

Look for all things YLS in the new combined CLE and YLS insert.

Queen's Bench Holiday Luncheon

The Queen's Bench Annual Holiday Luncheon honoring women members of the judiciary is Tuesday, December 13 at the Benson Hotel in downtown Portland. It features the Hon. Ann Aiken, chief judge of the U.S. District Court for the District of Oregon. The recipients of the 2012 Roberts-Deiz Awards will be announced.

Tickets and judges' online RSVP available at www.owlsqueensbench.org/holiday-luncheon.html.

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.

Taste for Justice Wine Auction Raises Money for St. Andrew Legal Clinic

200 guests enjoyed a champagne reception, vintage wine, gourmet fare and silent and live auctions, which raised \$180,000 to help the clinic provide legal services to low-income clients.

Celebrity auctioneers Matt Levin from Markowitz Herbold et al; Albert Menashe of Gevurtz Menashe; Paul Fortino from Perkins Coie, Chris Hermann from Stoel Rives, Dennis Rawlinson of Miller Nash, and Jay Sickler of Cogence Group auctioned off 24 spectacular lots, including seven magnums of Oregon pinot noir, collection of white Burgundies and a selection of sensational Staglin reds.

The sixth annual wine auction benefitting St. Andrew Legal Clinic (SALC) was sponsored by Portland law firm of Schwabe, Williamson & Wyatt, also Unico, Naegeli Reporting, Portland Business Journal, adidas, Bank of the Cascades, Cogence Group, KeyBank, OfficeMax, Pacific Office Automation, The Cellar Door, and Thompson, Kessler, Wiest & Borquist.

Taste for Justice Auctioneers (left to right): Dennis Rawlinson, Jay Sickler, Chris Hermann, Matt Levin, Albert Menashe.



Legal Services Corporation Announces Further Cuts

Effective October 31, Oregon's statewide legal aid programs reduced their staff by 16%, or 32 FTE statewide. On November 15, the U.S. Senate and House Conference Committee announced a further reduction of 14.8% for FY12 or \$600,000 for Oregon. This figure is almost certain to be adopted as the final spending figure for FY12. Legal aid has been told to plan for a further reduction of at least 9% starting January 1, 2013, which will be \$309,000 for Oregon. While Oregon's legal aid programs are still evaluating how these additional cuts will be implemented, there is no question that fewer clients will be served at a time when the civil legal needs of the poor are on the rise.

Lawyers with Disabilities

Seventh in the Series on Inclusion and Diversity

by Judy A.C. Edwards
MBA Executive Director

In previous issues of the *Multnomah Lawyer*, I have focused on the specialty bars in Oregon. With this final article on inclusion and diversity in our legal community, you will read about another group that adds to the richness of the profession.

“The important thing from a diversity perspective is that the public often doesn’t think of people with disabilities as disenfranchised or part of a minority group. However, using the measure of economic security and the number of persons in a profession like ours, this group of people is at a significant disadvantage in our society. They



DISABILITY RIGHTS OREGON

show up in higher crime victim statistics, for instance. It’s a group that faces challenges based upon stigma and public perceptions of vulnerability and inability,” stated Bob Joondeph, Executive Director of Disability Rights Oregon.

“As with any other minority group, it’s important to make efforts to promote entry into the profession and to encourage college students with disabilities to consider legal careers. We need to make them feel welcome within the culture of the legal community,” continued Joondeph. The day before I interviewed him, he celebrated 25 years at Disability Rights Oregon.

During that time, he has seen a considerable evolution of how society approaches the

topic of people with disabilities. The ADA, enacted in 1990, was a watershed moment for this minority group which requires reasonable accommodations for **“The ADA, enacted in 1990, was a watershed moment for this minority group which requires reasonable accommodations for clients and staff.”**

clients and staff. He added, “There are a lot of misunderstandings of the obligations of attorneys to make services accessible, to have a workplace that provides accommodations for clients, those applying for positions and employees with disabilities.” Free technical assistance is available at www.dbtacnorthwest.org. Another resource for anyone looking for information is www.ada.gov.

ABA statistics paint a dismal picture for the number of people with disabilities entering law school and the profession. When the ABA conducted a census in 2008, of the 30,400 members who responded, just 5.59% answered affirmatively that they had a disability. In 2007, the number was 7.18%. The ABA report notes that “this number may be substantially less than the actual number of lawyers with disabilities in ABA. Many may choose not to answer the question relating to disability status due to confidentiality concerns.... Nonetheless, this low figure reflects at least three trends: (1) relatively few college students with disabilities attend law school and not everyone who attends graduates or passes the bar; (2) due to socioeconomic factors, it appears that a lower percentage of lawyers with disabilities join the ABA than

non-disabled lawyers; and (3) a greater percentage of law school graduates with disabilities do not find employment as lawyers.”

Michal S. Greco, the 2005-06 ABA president, and presenter at the 2nd ABA National Conference on Employment of Lawyers with Disabilities in 2009, stated “If the legal profession is to reflect the true diversity of our nation - and benefit from the entire pool of available talent - we must include lawyers with disabilities in the same way that the profession has included women and persons of color.”

Our own Katherine O’Neil chairs the ABA Commission on Disability Rights. Its mission is to promote the ABA’s commitment to justice and the rule of law for persons with mental, physical and sensory disabilities and to promote their full and equal participation in the legal profession.

O’Neil urges, “When you see a person with a physical disability, see the person, not the disability. If a friend has cancer, you don’t characterize the person as cancer. Continue to see the individual. See the lawyer first.” By doing that, “You enable the lawyer’s participation in the legal community. Be sensitive to accessibility. The easiest example of accessibility is the courthouse. Oregon is good on that, but many states are not. Be conscious of accessibility with dignity ... with technological advances, the cost is minimal to make legal practice accessible for a person who is deaf for instance. With closed CART captioning, a court reporter can type in statements



and the text appears on a screen instantly, which is much better than sign language. The use of

email rather than the telephone or mail has radically facilitated the functioning of deaf lawyers.

“There continue to be some real barriers for participation for persons with disabilities, such as the LSAT. Its administration is often not fully compliant with the ADA. Our commission will have



a resolution at the ABA mid-year meeting urging the LSAT folks to see disability as a diversity issue and to fully comply with the accessibility standards of the ADA. More attention has turned to disability diversity. Part of the reason(s) is that with the wars, we have an increased number of people with disabilities returning to the work force. A growing percentage of our population will need ADA accommodations and they deserve a fair shake in access to a meaningful working life.”

“A growing percentage of our population will need ADA accommodations and they deserve a fair shake in access to a meaningful working life.”

Diane Schwartz Sykes, 2011 chair of the OSB Diversity Section remembers, “Initially, the focus of the OSB Diversity Section was race and national origin. However, the section’s mission evolved over the years, to include disability and LGBT. At the recent Convocation on Equality, a large-scale legal diversity conference, one panel was dedicated exclusively to emerging trends in disability law. The panel was very well-attended and filled with people who are interested in advancing legal diversity for disabled attorneys and community members that we serve.

“2011 BOWLIO raised money for Opportunities for Law in Oregon (OLIO), the OSB affirmative action program that promotes recruitment and retention of diverse law students from historically underrepresented communities. Last year and this year, the event

planners made a conscious choice to hold the event at an accessible bowling alley in order to meet the needs of participants with disabilities.”

MBA Statement of Diversity Principles

The statement reads in part, “The Multnomah Bar Association and the signatories hereto remain committed to fostering diversity in the legal profession. Diversity is an inclusive concept and encompasses, without limitation, race, color, ethnicity, gender, sexual orientation, gender identity and expression, religion, nationality, age, disability and marital and parental status.... We believe that all members of the bar should have the opportunity to participate equally and fully in our profession. To this end, we pledge to facilitate diversity in the hiring, retention and promotion of attorneys and in the elevation of attorneys to leadership positions within our respective organizations.”

For the full wording of the MBA Statement of Diversity Principles and to sign on to it, please go to www.mbabar.org/diversity/htm.

Please join the other 669 lawyers and 185 firms that have already signed the diversity statement.

Roosevelt Robinson 70th Birthday Commemoration

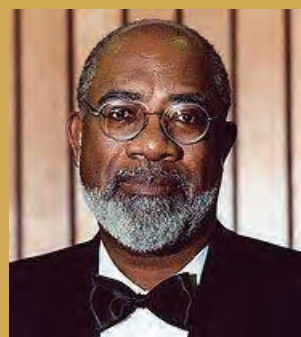
Minority Scholarship Fundraiser January 19

There will be a birthday party commemoration and fundraiser for Judge Roosevelt Robinson on January 19, 2012, from 4-7 p.m. in the Multnomah County Courthouse Courtroom 602.

The event’s purpose is to raise funds for the Roosevelt Robinson Minority Scholarship at Lewis & Clark Law School. By increasing the scholarship’s endowed fund, the law school hopes to award a larger scholarship

to one deserving student or to increase the number of recipients to two each year.

The scholarship criteria include a demonstrated financial need and the applicant’s willingness to contribute to or interest in or commitment to increasing the ethnic diversity of the Oregon bar. Top consideration is given to students who plan to stay and practice in Oregon upon graduation. To date, the scholarship has been awarded to eight Lewis & Clark students, each of whom



Judge Roosevelt Robinson

demonstrated superior integrity and high ethical standards, excellent scholarship during law school and a caring attitude toward others.

To attend this event, RSVP by January 11 to lawscholarships@lclark.edu or by calling 503.768.6646.

Midsized Firm Partners’ Roundtable

A midsized firm roundtable discussion group has been meeting several times a year since 2009 to share information and collaborate. The group is for firms in Multnomah County with 5-19 attorneys. Topics that have been addressed include: technology, attorney and staff compensation and benefits, marketing and billing practices. Many participating firms have one more-experienced partner and one less-experienced partner attend so that diverse views are represented. David Bean of Wyse Kadish and Lindsey Hughes of Keating Jones Hughes lead the group. The next meeting will be held in late January. If you would like to participate, contact Kathy Modie at 503.222.3275 or kathy@mbabar.org.

MBA Thanks MBF Donors

Thanks to the following MBA members, who have donated more than the \$25 suggested amount on the membership renewal form to the Multnomah Bar Foundation during the MBA membership drive.

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Around the Bar



Steven B. Ungar



Turid L. Owren



Julie M. Engbloom



Parna A. Mehrbani

Lane Powell

Shareholder **Steven B. Ungar** has been reappointed chairperson of the Oregon State Lottery Commission for the sixth year. He co-chairs the firm's White Collar Criminal Defense, Regulatory Compliance and Special Investigations Practice Group.

The Naa Amerley Palm Education (NAPE) Foundation recently awarded eight additional Lane Powell/ Lee Nusich Scholarships to students who plan to attend institutions of higher learning in Ghana. Including the eight recent recipients, a total of 41 scholarships have been awarded since the scholarship foundation started in January 2009. The scholarship was named for **Lee C. Nusich**, counsel to the firm in the Portland office and chairman of the board of trustees of NAPE.

Julie M. Engbloom and **Parna A. Mehrbani** have been elected shareholder.

Engbloom has an active litigation practice focusing on complex civil and corporate matters. She concentrates on regulatory compliance and securities and banking-related litigation.

Mehrbani practices all aspects of intellectual property law, including managing the firm's trademark clearance, registration and enforcement practice, copyright, right of publicity, trade secret, licensing, Internet and e-commerce, all manner of intellectual property contracting, and litigation.

Tonkon Torp

Business immigration attorney **Turid L. Owren** was honored for excellence in advocacy in her advancement of the practice of immigration law. The Oregon Chapter of the American Immigration Lawyers Association presented Owren with the 2011 Gerald H. Robinson Excellence in Advocacy Award at its October Oregon Immigrant Achievement Awards event.

Owren heads the firm's immigration practice group, which advises domestic and international companies and individuals on employment-related immigration issues.

Shouka Rezvani was elected to the board of the Le Monde Immersion, a new French language nonprofit seeking public charter school status in the Portland Public School District (PPS).

Rezvani is a member of the firm's nonprofit and tax-exempt entities practice group. She counsels public charities as well as operating and non-operating private foundations on organizational and operational issues. She is also a member of the firm's wealth planning practice group, which advises families and business owners about business and succession planning, estate administration and charitable giving.

Le Monde aims to provide a widely-accessible, well-rounded curriculum, with full immersion in the French language. The school's charter application is pending approval by the PPS board.

Miller Nash

The firm has been named one of Oregon's Healthiest Employers by the *Portland Business Journal* for the second year in a row. The publication recognizes companies that demonstrate innovation and leadership in their corporate wellness programs. Miller Nash ranked fifth out of 40 companies in this category.

Cosgrave Vergeer Kester

Attorney **Richard W. Miller** will work full time in the firm's Bend branch office, with monthly visits to its head office in Portland.

Miller is currently the chair of the firm's business practice group. He practices in the areas of business, estate and trust planning and administration, and has a broad knowledge of taxation affecting all of these areas.



Richard W. Miller



Thomas H. Tongue



Elizabeth E. Howard



Bill Joseph

Dunn Carney

Dunn Carney partner **Thomas H. Tongue** was elected president of the American College of Trial Lawyers. Also this year, he received Judge Learned Hand Lifetime Achievement Award from the Oregon Area Jewish Committee.

Attorney **Elizabeth E. Howard** will receive OSU's College of Agricultural Sciences Alumni Luminary Award. The award is given to an individual who has made early career and community contributions that clearly identify her or him as a future leader.

Howard is considered one of Oregon's foremost authorities on federal and state water quality regulation policies and their impacts on agriculture. Many of her legal efforts involve ranching and agricultural communities and complex public land use cases, including application and interpretation of the Endangered Species Act, National Environmental Policy Act and CleanWater Act.

Attorney **Bill Joseph** has been elected to a three-year term of the board of directors of the Home Builders Association of Metro Portland. Joseph is a litigation partner whose

practice focuses on litigating and trying various types of business and civil disputes, including construction, real estate, lien, products liability, contract, employment and tort cases.



Heather E. Harriman

Greene & Markley

Partner **Heather E. Harriman** has been re-elected to the OSB Taxation Section's executive committee for a two-year term. She has served on the executive committee since 2010 and has been a member of the section's Laws Committee since 2009.

Harriman heads the tax controversy group at the firm, where her practice focuses on federal, state and local tax controversies, including tax litigation, tax audits and tax collection. She also handles general commercial matters involving bankruptcy, debtor-creditor issues, collection, business litigation and commercial real estate.



Andrew Schpak



Todd Lyon

Barran Liebman

Andrew Schpak and **Todd Lyon** have been named as partners with the firm.

Schpak has been with the firm since 2004 representing management in employment law matters. He is the MBA's delegate to the ABA House of Delegates and a past president of the MBA YLS. He also serves as president of the Hollywood Theatre's Board of Directors, treasurer of the Board of NWEEO/Affirmative Action Association and co-chair of the Campaign for Equal Justice Associates Committee.

Lyon joins the firm as a partner with nearly 10 years of practice, focusing primarily on labor matters. He is certified by the American Arbitration

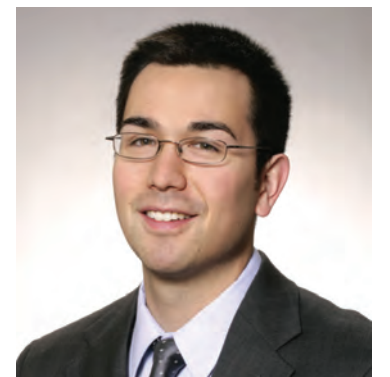
Association as an employment disputer arbitrator and he is a regular guest lecturer at Oregon law schools and writer of various employment law publications.



Michael J. Licurse

Wyse Kadish

Michael J. Licurse has joined the firm as of counsel, where he will continue to represent businesses and individuals in transactions and litigation in the areas of business law, real estate, and trusts and estates.



Stephen P. Yoshida

Martin Bischoff et al

Stephen P. Yoshida has become a partner in the firm. He will continue to concentrate his practice in the areas of civil litigation, product liability and insurance defense.



Anne Talcott

Schwabe Williamson & Wyatt

Anne Talcott, a shareholder in the firm and the current MBA Judicial Screening Committee chair, recently received the Richard H. Krochock Award from the Defense Research Institute (DRI).

Talcott is deeply involved with DRI as a member and has held numerous leadership positions within the organization. Most recently, she served as chair of DRI's 2011 Annual Meeting in Washington, D.C. and was able to secure both President Bill Clinton and Supreme Court Justice Antonin Scalia as keynote speakers.

Talcott focuses her practice on complex business and product liability litigation.

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.

The Corner Office | PROFESSIONALISM

A business attorney helps people create corporations, partnerships, LLCs and other business entities. Imagine a scenario in which two individuals, Laura and Ben, come to you to set up a new business. What should you do before you dive into discussing the advantages and disadvantages of various business entities?

One of the tenets of professionalism is to explain the fee arrangement to prospective clients before you begin representation. In a business transaction matter like Laura's and Ben's, you must first ask, who is the client? In

this situation, there are several options in deciding who the client is and what steps to take after the client has been identified.

Option 1: Represent the Business Entity Only. If you follow this path, it is very important that Laura and Ben understand that you represent the business entity only and not Laura or Ben as individuals. Under Oregon law, a lawyer who represents an entity represents only that entity and not its employees, owners, or shareholders. Even so, Oregon also follows the "reasonable expectations" test and if the

entity owners or shareholders reasonably believe that they are also clients, then a court will view them as clients. If you, Laura, and Ben decide that you will only represent the entity, the best practice is for you to follow up with an engagement letter stating that you represent only the entity, not Laura or Ben.

Option 2: Represent All Three Parties – the entity and Laura and Ben as individuals. This arrangement only works well when the interests of all three parties are aligned. However, during the course of representation the parties' interests may diverge and create

a conflict of interest. You may no longer be able to represent all three parties and may have to withdraw from representing some or all of them. The best practice is to explain this to Laura and Ben at the beginning of your relationship so that you may agree on what course to follow should such a conflict arise. This agreement should then be memorialized in writing, such as in a joint representation letter.

Option 3: Represent the Entity and One of the Individuals. This arrangement works well when the other individual prefers to hire his or her own attorney. As in Option

2, a conflict of interest may arise during the course of representation and the best practice is to agree ahead of time how this will be handled and memorialize that agreement in writing.

Identifying a business client is not always simple, yet it is an important step in explaining fee arrangements to prospective clients at the beginning of the relationship. Furthermore, these discussions facilitate better attorney-client relationships and promote the integrity of our profession.

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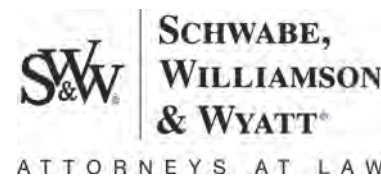
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Tips From the Bench

As Easy as One Two Three

by Judge Leslie Roberts
Multnomah County Circuit Court

“ABC - As easy as one two three,”
by Richards; Mizell; Perren;
Gordy, for the Jackson Five.

It is fantastic what you can learn by careful inspection and application of court rules. For instance, you can learn to avoid one court irritant: the premature submission of proposed orders or judgments. A great number of attorneys either fail to read

“...learn to avoid one court irritant: the premature submission of proposed orders or judgments.”

and apply the rules regarding this simple little task, or else they delegate it to an assistant who fails to understand the related rules.

First of all, most people understand that a proposed order or judgment must be supported by a certificate pursuant to UTCR 5.100 which certifies that that order has been served on the opposing party at least three days prior to presentation to the court. (By the way, if the opponent happens to be a pro per litigant, the order must be “mailed” - not otherwise served - seven (7) days prior to presentation, and certified accordingly.)

We judges are not supposed to sign a prematurely presented order. Further, many judges (at least many - I haven't done a formal poll) decline to do the attorney's job by letting the order “age” on the shelf until it could have been presented. Speaking only for myself, I routinely have premature orders returned to sender.

So, if you know that the order must be served three (or mailed seven, as the case may be) days prior to presentation, how hard is it to count to three?

It turns out that it can be tricky.

Like all tasks described by rule or statute, when the task may be done only a certain number of days after or before an event, the counting issue is governed by ORCP Rule 10. For those who do not customarily re-read the Oregon Rules of Civil Procedure as a method of summoning sleep at night (a practice I highly recommend, by the way), let me remind you that counting to three has some details under the civil rules.

The day of the act or event from which the designated period of time begins to run is not included and the day of the act or event is included. If you think of the “act” as submission to the court, and the period of time as the time before which you must serve the other party, then you exclude the day of submission and count three, backwards, to the latest day prior



to submission, upon which you have to have served the other party; or if you view the “act” as serving the party, you exclude that day and count forwards three days, and include the third day as the first day you can submit the order. Either way, you must serve “not less than three days prior to submission.”

This may sound more complicated than it is. It is actually very logical. If the date from which you count is day one, then the following day is day two, and the day after that is day three. Day three is the last day of the three day period - very simple because you have omitted the day from which you count (in, other words, you start with “one” on the day *after* the event) and you have included the final day, day three. It just sounds complex. To count days before an event, you do this backwards.

“Day three is the last day of the three day period - very simple because you have omitted the day from which you count.”

The last day (of the three day period) is not, however, included if it is a Saturday or legal holiday (such as Sunday). Those days just don't count and the third day falls on the next business day. Under ORCP 10A, if the time period to be computed is less than seven days, intermediate Saturdays and legal holidays are ignored.

For example, if you serve the other party on Wednesday, the first day after - day one - is Thursday, and on the calendar the third day would be Saturday. However, you ignore Saturday and Sunday, so day three is Monday (the final day of the three days of prior notice) and the three-day period is extended to the end of business on Monday. You can present the order or judgment to the court on Monday.

I am sure it is an accident that some lawyers mail an order on a Friday, and submit it (complete with certificate of compliance with UTCR 5.100) the following Monday. This certainly doesn't reduce the amount of time the opposing party is likely to have to consider the order - to the contrary, if the rules are rigorously observed - it increases the time.

News from the Courthouse

by Joe Hagedorn, Metro Public Defender and Court Liaison Committee member

Presiding Judge's Report East Multnomah County Courthouse

Judge Waller and Doug Bray gave the presiding judge's report. The East Multnomah County courthouse will open on April 2, 2012. They are still trying to obtain funding approval for equipment within the budget.

Budget

The court continues to be challenged with the budget reductions and forecasts. The OJD was asked to submit another budget reflecting an additional 10.5% cut of the total General Fund appropriation for 2011 - which would amount to total staff reductions of 75 positions. Multnomah County Circuit Court (MCCC) staffing has already been reduced by 34 positions recently. The MCCC staff has been reduced from approximately 325 positions four years ago to possibly 215 positions with this next round of cuts. The worst-case scenario is an \$800 million shortfall. Justice De Muniz continues to strive to keep courts open for five days a week. The court will emphasize that the court system should not be considered for across-the-board cuts since it functions differently than other state agencies. The budget reductions continue, from a \$49 million budget to \$44 million budget currently. The next round of cuts

would reduce the overall budget to \$37 million. Fewer resources come in the face of growing caseloads and continually generating more revenue through civil fees and criminal financial obligations.

When discussing specifics, Doug Bray noted that because of the previous cuts to the 3.5 FTE referee positions, the Justice Center courtrooms are staffed with some judges making less time available for other civil and criminal matters at the courthouse. Bray anticipates that reductions at the 10.5 percent level will create much deeper impacts in all areas of the court and impact significantly judicial availability.

The OSB and the MBA will discuss ways to get the word out to lawyers about the effects of budget cuts and how lawyers may be able to help. Some suggestions included increasing the lobbying efforts on behalf of the courts and other suggestions were increasing the awareness of the effects among lawyers. One suggestion centered on how to get recent law graduates involved and volunteering as judicial law clerks as they could be a resource with the tough job market.

Doug Bray said that the Chief Justice issued an order signed and effective on November 3 regarding the new fee schedule. By the Chief Justice Order, the current fees will be charged for matters which were initiated prior to October 1, if the document is presented for filing on or after November 3. This

order simplifies the complexity of the transition to the new fee schedule for parties and the court staff.

Eric Dahlin expressed his concern about the impact on access to justice with large increases in fees creating barriers and large decreases in court staff contracting available services. He noted that the civil bar is not aware of the dire circumstances the court system because they are not appearing in court everyday. Bray gave an example of what the general public is experiencing. He said it has become harder and harder to staff daily functions. Multnomah County processes 150,000 traffic tickets and 250,000 parking tickets annually. Currently, defendants in those cases who decide to appear in court on those matters may wait in line for three hours and if they telephone to seek information or resolve the case, phone queues are 30 minutes for a court staff person to be available; the employees are overwhelmed by increasing volumes of work and the public receives fewer and fewer services.

Bray explained that eCourt is a significant solution to the problems created by the loss of staff positions.

Miscellaneous

Jeffrey Bowersox, our federal court liaison, announced upcoming events for the Federal Bar Association (FBA). On December 5 there is a holiday social honoring senior judges. The FBA is sponsoring a program to train new lawyers in Social Security cases as well as representing people in foreclosure cases.

If you placed the item in the mail on Friday, so that (by the calendar) the third day would fall on Monday, you can't count the intervening Saturday and Sunday; the following three days, for these purposes are Monday, Tuesday, and Wednesday, as shown above. If you had served the other party by hand or fax, you could present the order to the court only on Wednesday; however, because you mailed the item, you add an *additional three days* for mailing. ORCP 10C. Instead of being able to present the order Wednesday, you would present it three days later which would be Saturday of course; and hence, because we ignore Saturdays (and holidays) the first day you can present it is the following Monday - by the calendar, 10 days after you put it in the mail.

It's those intermediate Saturdays and Sundays that trip

up most people who submit prematurely; but other people still fail to count the additional days for serving by mail; and very few lawyers seem to notice that the rule for service on pro **“It's those intermediate Saturdays and Sundays that trip up most people....”**

per litigants is different (and therefore, the certificate of compliance must be different): the order or judgment must be “mailed” to a pro per litigant seven days, not three days, in advance of the submission of the proposed order or judgment. Because this time period is seven days, it does not require omission of intermediate weekends and holidays, and because the rule requires “mailing” and not “service” no additional three days are added for service by mail; hence the

actual period of notice is likely to come out to the same period as “service” on the third day; however, the certificate of service should reflect the seven days from mailing, rather than three days from service. (A special shout-out to the clever lawyers who note and comply with this seven-day rule!)

Of course, you can bypass all this tricky higher mathematics by submitting a stipulation of opposing counsel that no objection exists as to the form of the proposed order or judgment, or by presenting the proposed order or judgment in open court with the other party present. UTCR 5.100.

If you cannot do these things, however, you must master the rules of counting to three. For this, you went to law school.

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Profile: Judge Marco A. Hernández

U.S. District Court for the District of Oregon

by Keil Mueller
Stoll Berne and Court Liaison Committee Member

Judge Marco Hernández was confirmed as a federal judge for the District of Oregon in February. His confirmation came after Judge Hernández twice previously was nominated - in 2008 by President George W. Bush and in 2010 by President Barack Obama - but both times the Senate failed to act on the nomination. This makes Judge Hernández one of the few federal judges to have been nominated by presidents from both parties.

“This makes Judge Hernandez one of the few federal judges to have been nominated by presidents from both parties.”

When asked whether he enjoys being a judge, Judge Hernández smiles. “What,” he asks rhetorically, “could be better than getting paid to constantly

learn about new areas of law?” This response exemplifies the attitude that has motivated - and continues to motivate - Judge Hernández’ legal career.

After graduating from the University of Washington School of Law in 1986, Judge Hernández spent three years with Legal Aid Services of Oregon representing farm workers on issues including housing, wages and Migrant and Seasonal Agricultural Worker Protection Act claims. While he found this experience rewarding, it did not provide the opportunity to try cases that he craved.

The desire to be in the courtroom led Judge Hernández, in 1989, to leave Legal Aid for the Washington County District Attorney’s Office, where he immediately began trying cases. For the next six years, he

constantly was in court trying a wide variety of criminal matters.

Then, in 1995, Judge Hernández moved from the bar to the bench. He first was appointed a state district court judge in Washington County. When the district courts merged into the circuit courts in 1998, he became a circuit court judge.

Much more than his early-career experiences, it is the sixteen years that Judge Hernández spent as a state court judge that have shaped his judicial personality. For any new judge, learning how to interact with parties and their counsel is a challenge. There also is the related matter of learning to control a courtroom and run a trial. Judge Hernández developed these skills during his years on the state bench, and therefore has not needed to re-learn them since joining the federal bench. Of course, like any committed professional, he is constantly evaluating his performance and is willing to try new methods.

His years as a state court judge also afford Judge Hernández a unique perspective on his new role as a federal judge. The biggest difference is case load. Whereas

the crowded state court docket afforded little chance to control his schedule, Judge Hernández finds that he now is much more able to control the pace of his cases. He uses this flexibility to allow the attorneys who come before him to drive the schedule of their matters.

As one might expect, Judge Hernández also has found that he has more time to prepare as a federal judge, not to mention the able research assistance of his judicial clerks. While he relishes the opportunity to dig into complicated legal issues that this affords, there are times **“...there are times when he misses the ‘buzz’ and the energy he felt while handling the frenetic pace of state court.”**

when he misses the “buzz” and the energy he felt while handling the frenetic pace of state court. And, of course, as much as he enjoys his new colleagues, he also misses those he left behind - “the most wonderful people you could ever want to be around.”

When appearing in his courtroom, Judge Hernández wants attorneys and their clients to feel comfortable. Federal court



Judge Marco A. Hernández

generally feels more formal, and the lawyers tend to behave more formally than in state court. While he believes that this formality is appropriate, it sometimes can intimidate clients. He tries to overcome this by helping nervous parties unwind, which he believes helps them to focus on the issue at hand.

Judge Hernández also encourages attorneys to ask questions when they are unsure about processes and procedures, and to make suggestions when they have an opinion about the appropriate processes and procedures in a particular circumstance. While he will not always say yes, he will listen.

CEJ LAF-OFF



LAF-OFF judges were Presiding Judge Jean Maurer, Steve Blackhurst, Sonia Montalbano and Judge Cheryl Albrecht



Contestants were Drew Hartnett, Mitra Shahri, Greg Levinson, Tyler Volm and far right, David Aman. Master of Ceremonies, Kerry Tymchuk, is second from right.



Kerry Tymchuk, Steve Blackhurst and Crunchy Blackhurst enjoyed the event

MBA Golf Events Raise Over \$20,000 for the VLP

The 2011 MBA golf season ended on a high note, with a total of \$20,450 raised for the Volunteer Lawyers Project (VLP) at LASO.

In addition to the sponsorship of the annual Championship for VLP, raffles and contests at other golf events during the year helped the Golf Committee exceed its fundraising goal of \$15,000.

The MBA is committed to the mission of providing access to justice for Oregon’s poorest citizens and is grateful to the many generous sponsors and committee members for their support and hard work.

Event photos and a list of sponsors are available at www.mbabar.org.



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MBF Video Series Shines the Spotlight on Democracy Issues

The MBF, in partnership with MetroEast Community Media, is developing a civic education video series on these timely topics:



Chief Justice De Muniz is interviewed for courts video

A Day at the Courthouse

Takes the viewer through the various activities in the courthouse, demonstrates the rule of law and settling disagreements in a civil environment and the jury process;

Types and Roles of Courts and Why We Need Them

Focuses on the differences between state circuit court, court of appeals and

Oregon Supreme Court, federal district and appeals courts;

Voting and Why it's Important to be Informed

Features how to register and be informed, and explains the voting and ballot measure processes;

Civic Engagement

Encourages citizens to get involved in their communities, including volunteering on boards and committees;

Civil Discourse

Focuses on communication styles and the difference between the strident, argumentative style and the more articulate and calmer persuasive style;



Courtroom setting in the MBF civic education video series

Distributed statewide, the videos will be broadcast on a network of TV access stations, sent to schools

and posted on YouTube and educational, news media and civic groups' Web sites.



CourtCare Celebrates 10th Anniversary

by Judy A.C. Edwards
MBA Executive Director



MULTNOMAH CourtCare

A project of the Multnomah Bar Association, in partnership with Multnomah County, the Oregon Judicial Department, the U.S. District Court Attorney Admission Fund and Volunteers of America Oregon

"Lawyers loving children and making a meaningful difference in their lives," is how Kay Toran, President/CEO of Volunteers of America Oregon describes the program that started 10 years ago. The free childcare service, CourtCare, opened its doors December 2001 to families who had business at the courthouse and no other place to take their children. Since then, over 9,400 children have been served.

Martha Hodgkinson was chair of the MBA Court Liaison Committee back in 1995 when the Multnomah County Circuit Courthouse was under study and people were talking about how to include childcare service in a new courthouse. Prior to that, in 1993, a jury and childcare pool study found that lack of childcare kept potential jurors from serving. It was a concern by a lot of people, according to Hodgkinson. A subcommittee of the CLC was formed, the Multnomah CourtCare Advisory Committee, to see how programs in other parts of the country operated and to make recommendations for a local program, and of course how to fund it.

Hon. Janice Wilson and Gerri Sue Lent attended a conference on the National CourtCare Demonstration Project in Boston. Returning with infectious enthusiasm, they shared how "parents could concentrate on their own business and children could be in a safe place, away from the unfortunate things you can see in a courthouse," said Hodgkinson. "We knew we'd have to have a funding source and

operator. Once Judge Wilson and Gerri Sue came back from the conference, people made things happen pretty quickly. Everyone was trying to come up with a source of funding, how it could be part of the MBA mission and garner enough money to make it continue."

The Multnomah CourtCare Advisory Committee conducted a study with the help of Portland State University that found an average of 80 children under the age of 12 were in the courthouse every day. Many of the children were in the hallways, unaccompanied by parents, or were in courtrooms witnessing emotionally charged interactions. Upon completion of the study of need, the MBA and the



Multnomah County Chair's office charged the Advisory Committee with exploring how to implement a drop-in child care program.

Mary Louise McClintock, one of the Advisory Committee's leaders, recalls that "This project was a lesson in perseverance. We could have decided at many points that there were too many barriers to developing a childcare program in the courthouse. But CourtCare is also a story of many people saying sure, they would help. The earliest challenge was space. We looked at many options inside the courthouse and in other buildings. Offsite was not optimal because of the need for a fast turnaround and drop-in service. Once we identified an unused jury room onsite, and Judge Wilson had persuaded her colleagues to allow it to be used for this purpose, we were able to get permission to renovate it into a space that could be licensed by the state for childcare. It required a waiver since it was on the second floor."

Next, reported McClintock, the group approached Multnomah County Commission Chair Bev Stein to request financial support. "She loved the idea, and committed to requesting funds in the county budget for the renovation and part of the operating cost, but she wanted it to be matched by the state. That could have been a barrier, too, but then-President Judge James Ellis and Court Administrator Doug Bray said they would match the amount the county was contributing for the first year's operating budget. Although this would be carved from their existing budget, they had to get approval from the legislature to spend the money in that way."

Securing the initial renovation and public operating funds was followed by the challenge of fundraising for the other half of the operating budget. Mike Greene, who was MBA president when the program started, remembered, "This was the first time that the MBA did any fundraising for a community service. And the lawyers enthusiastically

contributed, knowing this was a valuable and irreplaceable service for Multnomah County. It was the first time that the MBA partnered with the state and the county to create a program that was so necessary and important to the justice system in Multnomah County. It is one of the programs of which the MBA and all of its members are most proud."

Robin Selig praised the MBA and the legal community, "which should get huge credit for recognizing the need and providing financial support every step of the way." After initial contributions from the local bar allowed the center to open its doors, Jeff Matthews and Mike Greene formed the first annual CourtCare Campaign, 'A Jungle Gym in the Jungle,' to ensure

ongoing funding. Through the campaign, Judge Tennyson heightened CourtCare's profile among judges and gained their steadfast support. The whole effort brought the legal community together in a very collaborative, very positive way."

There are many people to thank for CourtCare getting starting and continuing today. The early enthusiasts and hard workers included Hon. Janice Wilson, Mary Louise McClintock, Robin Selig, Gerri Sue Lent, Hon. Merri Souther-Wyatt, Volunteers of America Oregon CEO Kay Toran (whose agency stepped up to operate the program), Susan Marmaduke, Martha Hodgkinson, Jeff Matthews, Mike Greene, JoLynne Zimmerman, Mike Williams, Kristin Eaton and numerous others.

"The MBA has always provided tremendous support for the court, and this is a great example," said Judge Wilson. "Of all the projects I've been involved in over the years, I am most proud of CourtCare. It

provides access to justice for people who could not get to court for lack of childcare, and it protects some of our most vulnerable citizens – young children who are already experiencing turmoil in their lives."

The CourtCare space was recently, beautifully remodeled into a bright, vibrant room where no space was left wanting. "Support for CourtCare has always come from the heart. The biggest financial supporters of CourtCare do not typically represent clients who will ever see the inside of the CourtCare room. Yet, everyone who supports CourtCare understands how valuable and necessary its services are to some of the most vulnerable members of our community. I am grateful for the very generous support of



everyone who made the recent renovation possible, especially major contributors, Yost Grube Hall, Howard S. Wright and my own firm, Markowitz Herbold Glade & Mehlhaf, without whom the renovation project would never have happened. It is especially sweet that we were able to accomplish the renovation on the eve of CourtCare's 10th anniversary," said Mary Rower of Markowitz Herbold Glade & Mehlhaf.

What's next? The annual CourtCare Campaign will run in May 2012 and will include funding for the CourtCare East program at the new Gresham courthouse.

Tips for Better Brief Writing

Continued from page 3

The better letters start by discussing some innocuous procedural matter and then digressing to merits almost as an afterthought, or so the reader would believe.

22. Assume the Judge Knows Everything About Your Case: You've been working on this case for months. You know the facts and the relevant law, and so should the judge. After all, if she wasn't so smart she wouldn't be a judge. So, when writing a brief, just dive right into your arguments without any introduction or background. Don't bother including a capsule summary of your argument at the beginning – the judge will figure it out eventually.

Conversely, you should assume the judge knows nothing about basic legal principles. A classic example is a major law firm that devoted ten pages of a brief to explain the concept of stare decisis to a veteran trial judge. Unfortunately, the “controlling” case was construing California law and the judge was applying Oregon law. Oh well, non omnia possumus omnes. (No one can be an expert in all things.)

See the continuation of this article in a later issue.



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Nikki E. Dobay is an associate in the Tax and Benefits Group. She focuses on income tax planning and represents clients in resolving tax controversies. Ms. Dobay has also taught state and local tax law at the University of Oregon School of Law.

Kathryn Landes Ball is a litigation associate. She graduated from Willamette University College of Law, *cum laude* in 2011. Prior to law school, she was a research director and editor for *Baltimore* magazine.



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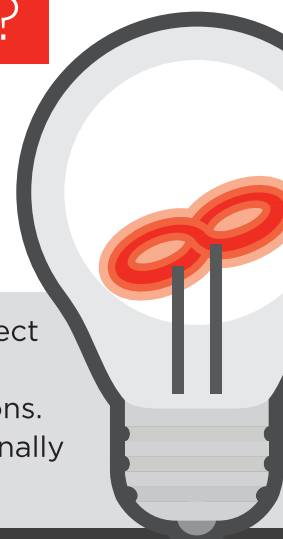
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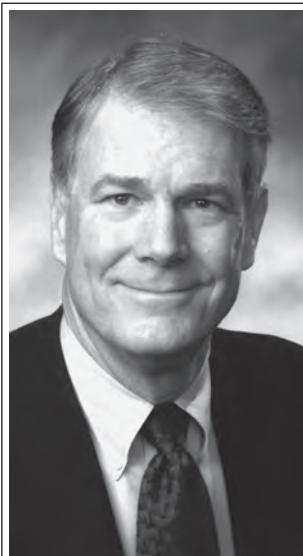
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Year End is a Great Time for Giving

by Pamela B. Hubbs
Office and Foundation Administrator

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Looking back with thanksgiving. Your contributions allowed the MBF to give over \$30,000 in grants this past year to support

the Bus Project's Democracy Cup, Classroom Law Project's Youth Summit and League of Women Voters of Oregon's "Oregon Taxes" Fast Fact Flyer. Your generosity provided grants for MetroEast Community Media's "The Courts and You | Legal Logic" public affairs show and Sponsors Organized to Assist Refugees' Voter Education Project. Your giving funded the YOUthFILM Project's annual screening event. Please see the insert in this issue for more information about these programs.

MBA member support made possible the development of an exciting new civic

education video series, created in partnership with MetroEast Community Media and with the future involvement of City Club, Urban League, League of Women Voters and Bus Project.

What's ahead? We're looking forward to an exciting year to come, anticipating the imminent release of the first two videos in our series on democracy issues, "A Day at the Courthouse" and "Types of Courts." Future videos will address civic engagement, calming civil discourse and voting. See page 11 for more information about the series.

The videos will be broadcast on cable access stations around the state through an OSU cooperative network and distributed on DVD to schools



Still photo from video series

statewide. They will be uploaded to YouTube and the MBA and ProtectOregonCourts Web sites and press releases with links to the series will be sent to educational, civic organizations and news media.

Your year-end contribution will help bring these videos to life.

Your gift makes a difference.

The MBF is dedicated to increasing civic education and participation across a broad spectrum of citizens through grants and special projects. Your support makes it possible.

Charitable gifts are tax deductible and may be made *In Memoriam* or *In Honor* of a special person or occasion. Gifts of \$100 and up will receive mention in the *Multnomah Lawyer* and on the MBA Web site. A donation form and summary of 2011 grant recipients is included in this issue.

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

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

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

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

2011 Ethics Update

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

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

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

December 8, 2011
Thursday
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
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Employment Related Immigration Law

Almost Everything You Need to Know But Did Not Think to Ask

This CLE will present an overview of certain employment-based temporary visa classifications such as E-1 and E-2 for treaty traders and treaty investors; F-1 for students; H-1B for professionals and specialty occupations; H-1B1 and E-3 for professionals and specialty occupations that are treaty based; J-1 for exchange visitors; L-1A and L-1B for intra-company transferees and managers and executives with specialized knowledge; O-1 for those with extraordinary ability; and TN for NAFTA professionals. The class will also cover the employment based permanent residence processes for labor certification applications, immigrant petitions and adjustment status applications. As time allows other topics may be addressed such as visa stamp applications, admissions inspections and Form I-9 eligibility verification processes. Our distinguished speakers are **Turid Owren** and **Alan Perkins** of Tonkon Torp.

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

December 13, 2011
Tuesday
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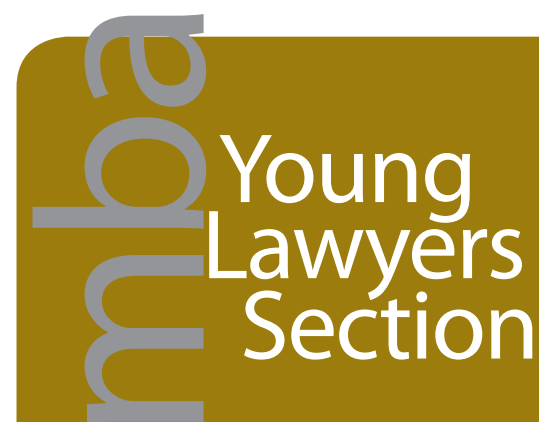
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Ethics: Attorney's Duties to Third Parties

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

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

CLE Classes continued on next page



Get Involved in the YLS Join the Party

by Jennifer List
YLS Membership Committee member

Interested in getting involved in the YLS? Then all you have to do is join the party. In carrying out its mission to recruit and involve YLS members in the organization, the YLS Membership Committee hosts a variety of socials for members to enjoy throughout the year.

"Joining the YLS is a great way for new and young attorneys to get involved in the legal community amongst peers of similar age and legal experience, and talk shop outside the auspices of the office, not to mention the fact that it's fun," states Sean Ray, YLS Membership Committee Chair. "And we don't ask you to camp out in a downtown park to be part of our group."

Past socials have included wine tastings, a pool tournament, a meet-the-judges-social, and casual social drop-ins at local pubs. "Our events are a good place to network and meet

increase your knowledge of and familiarity with the Portland legal community, and gives you possible referral sources for attorneys that do a different type of work than you," Ray shares.

An upcoming annual favorite is the Toys for Tots social which will be held on December 14 from 5:30-7:30 p.m. at the Thirsty Lion. At this event, attendees are encouraged to bring new, unwrapped toys for needy children in the Portland community to help them share in the joy of the holiday season. While spreading holiday cheer, attendees can enjoy a variety of complimentary appetizers as well as drink specials.

On a similar note, the Committee is dedicated to planning family-friendly events. Also in December, the Committee, in conjunction with the MBA's Membership Committee, is planning on holding a ZooLights event in



Sarah Freeman at the 2010 Toys for Tots social

which YLS members and their families can enjoy the "zoo transformed into a winter wonderland aglow with a million lights." Stay tuned for more details. And, finally, Ray promises that if the above is not

enough to entice you to get out and socialize with colleagues, then "attending our events will definitely increase your Facebook friends count."

enough to entice you to get out and socialize with colleagues, then "attending our events will definitely increase your Facebook friends count."

mba yls | EVENT

YLS Drop-In Social and Toy Drive

Thirsty Lion
71 SW 2nd Ave., Portland
December 14, 5:30-7:30 pm

Celebrate the Season! Please bring a new unwrapped toy for Toys for Tots and help bring holiday cheer to children in our area.

See inside for more YLS news

mba|CLE

December 14, 2011
Wednesday
3:00-5:00 p.m.

World Trade Center - Mezzanine Room
 26 SW Salmon, Portland
 Members \$55/Non-members \$85

Scientific Evidence in Oregon Courts

This class will address issues faced by attorneys working with scientific evidence in Oregon civil and criminal litigation. The CLE will include discussion of such topics as: learning the underlying principles associated with scientific evidence; the Oregon admissibility analysis; and strategies for using and attacking scientific evidence at trial.

Kevin Sali, a criminal defense attorney with the Angeli Law Group, will lead the class using examples from some of his recent cases. Mr. Sali entered the legal field after working first as a high school science teacher and then in a research laboratory.

For more information: Call Heidee Stoller, Ater Wynne at 503.226.8616. With registration questions, call the MBA at 503.222.3275.

January 24, 2012
Tuesday
3:00-5:00 p.m.

World Trade Center - Mezzanine Room
 26 SW Salmon, Portland
 Members \$55/Non-members \$85

Multnomah County Presiding Court Update

In this two-hour update session **Multnomah County Presiding Judge Nan Waller** and court staff will discuss the 2011 Supplemental Local Rules for Multnomah County Circuit Court and other issues unique to practicing in Multnomah County. This seminar is designed for attorneys at all levels of experience and questions are strongly encouraged.

For more information: Call the MBA at 503.222.3275.

February 28, 2012
Tuesday
3:00-5:00 p.m.

World Trade Center - Mezzanine Room
 26 SW Salmon, Portland
 Members \$55/Non-members \$85

High Tech Courtroom Presentations on a Low Tech Budget

Research shows that juries pay greater attention to visual exhibits. Presenting evidence or arguments on an easel or foam board is not as interesting or engaging as viewing the same information on a screen in a digital format. Juries today are expecting attorneys to present their cases through technology. Witnesses can potentially be more effectively cross-examined when their deposition testimony is displayed before the jury, rather than simply being read out loud from the transcript. Not every client has the financial resources to hire an outside company to put together such a presentation. Current technology, however, does make it possible for attorneys to advance their client's case themselves in a cost effective manner for their clients.

Our speaker will discuss:

- The pros of presenting evidence and arguments in a video/audio format.
- The potential risks of trying to “do it yourself” and what to do when things go wrong.
- The equipment you will need if you decide to take this route for your trial presentation.
- Helpful apps for trial lawyers.

This two-hour presentation will be led by attorney **Kelly Andersen**, who speaks on this topic regularly. Mr. Andersen has been practicing law in Oregon since 1979, and was named as an Oregon Super Lawyer in 2007, 2009 and 2010. He practices in Medford.

For more information: Call Melissa Ward, Spooner & Much at 503.467.4039. With registration questions, call the MBA at 503.222.3275.

Registration Form

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

NAME _____	ACCOUNT NUMBER _____
FIRM _____	EXPIRATION DATE _____ V-CODE (3-digit code on back) _____
ADDRESS _____	SIGNATURE _____
CITY _____ STATE _____ ZIP _____	BILLING ADDRESS FOR CARD (if different) _____
PHONE _____	_____
OSB# _____	_____

Member Status:
 MBA Member
 Non-Member

Payment Options:
 Check VISA MasterCard

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

Photocopy registration and mail or fax with payment to:

Multnomah Bar Association
 620 SW Fifth Ave., Suite 1220 ■ Portland, OR 97204
 503.222.3275 ■ Fax to: 503.243.1881

Register online and order or download MBA self-study materials at www.mbabar.org.
 Reduced fees for unemployed members are available and are assessed on a case-by-case basis.
 For details, call the MBA at 503.222.3275.

Seminar Selection:

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

12/7 2011 Ethics Update
 Class Registration Online (\$50 Members/\$80 Non)
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

12/8 Employment Related Immigration Law
 Class Registration Online (\$50 Members/\$80 Non)
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

12/13 Ethics: Attorney's Duties to Third Parties
 Class Registration Online (\$50 Members/\$80 Non)
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

12/14 Scientific Evidence in Oregon Courts
 Class Registration Online (\$50 Members/\$80 Non)
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

1/24 Multnomah County Presiding Court Update
 Class Registration Online (\$50 Members/\$80 Non)
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

2/28 High Tech Courtroom Presentations
 Class Registration Online (\$50 Members/\$80 Non)
 Class Registration (\$55 Members/\$85 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

Prefer Tapes & Written Materials (instead of CD)

Total due\$ _____

Buchanan Angeli Altschul & Sullivan LLP Receives Workplace Leader Award

by Andrea Johnson
Oregon Health & Science University and
YLS Futures Committee member

On October 14, the OWLS honored Buchanan Angeli Altschul & Sullivan LLP (BAAS) with the sixth annual Workplace Leader Award. The award recognizes a legal employer who makes an innovative and effective effort to promote a healthy work-life balance, acquire and maintain a diverse workforce and/or maximize opportunities for women and minorities to succeed in the workplace and advance to positions of influence and leadership. The YLS Futures Committee embraces all of these values as critical aspects of the evolving practice of law and congratulates BAAS on its achievement.

In establishing BAAS, the four partners worked collectively to design a compensation structure and work environment that would accommodate each individual's varying

individual attorney has the flexibility to work as much or as little as suits his or her present circumstances. Meeting clients' expectations, rather than billing hours, is the top priority. All attorneys at the firm have the freedom to work from home and schedule their work time as they

"The firm is dedicated to serving the community and encourages each attorney to provide pro bono or reduced rate services...."

choose. The firm is dedicated to serving the community and encourages each attorney to provide pro bono or reduced rate services as he or she desires.

This type of firm structure promotes collaboration and reduces stress, according to partner Dana Sullivan. She explains that because attorneys are rewarded for the collective

success of the firm as well as their personal success, there is no motivation not to share work. The individual flexibility of the

compensation structure, however, allows each attorney to establish his or her own balance.

BAAS makes collegiality among coworkers a priority, particularly because this can be a challenge when coworkers are frequently

working from home and do not see each other in the office. The attorneys collaborate effectively through frequent phone and email contact, and firm functions are fun and well-attended.

"The fact that everybody's happy is a plus in terms of the quality of work we put out."

"We have a lot of fun!" Sullivan comments. "The fact that everybody's happy is a plus in terms of the quality of work we put out."

In addition to promoting a healthy work-life balance, BAAS sets an example for gender equality in the legal workforce. Half of all BAAS attorneys, including two of the four partners, are women.

For newer attorneys, Sullivan characterizes BAAS's model as "something to aspire to." Success within the flexible compensation arrangement and work schedule requires the development of a skill set that can only come through experience. While this level of independence is desirable for many reasons, young lawyers in such a setting may find themselves at a disadvantage without the usual opportunities for mentoring found in more traditionally structured firms. Each attorney at BAAS came to the firm with a solid foundation of experience. Being a partner in this environment requires a reliable client base and established sources of income. Sullivan encourages newer attorneys pursuing this type of flexible arrangement to pay their dues in their early years of practice and focus on developing the skills needed to work independently.

The YLS Futures Committee echoes OWLS in recognizing BAAS as a Workplace Leader. BAAS has established a highly successful law practice that is at once dedicated to its clients, involved in the community and forward-thinking in its development of a collaborative and flexible work environment.

Sandra Day O'Connor designed to teach students civics.

During the upcoming months YFP committee members will ask teachers, principals, and volunteers to encourage kids to participate in the YFP competition. Promotional materials are being distributed throughout the fall. Student films must be submitted by March 30. The YFP committee seeks to continue our past success by expanding the program through more aggressive outreach and improve the quality and content of film entries. The YFP committee encourages everyone to check out www.theyouthfilmproject.org and consider supporting the project. Please contact YFP committee members or send teachers, principals and young



Karen E. Hobson Pro Bono Spotlight

by Craig A. Foster
Tonkon Torp

Lawyers must strive for equal access to justice. At least that's what Karen E. Hobson, a business and tax attorney at Williams Kastner, said when I asked her why she does pro bono. And even though she's practiced law for only four years, she's proven that it's more than a motto.

Karen got an early start. While in law school, Karen spent a summer working in Madison, Wisconsin for the legal department of AFSCME-Council 40, the nation's labor union for public service employees. The work she did for that department helped her earn a pro bono certificate from the U of O's School of Law by the time she graduated in 2007.

Over the past few years, Karen has assisted with many day-to-day legal questions for two nonprofit organizations, Saint Child and the Multicultural Integrated Kidney Education (MIKE) Program. Saint Child provides support and resources for young expecting mothers, such as housing, educational opportunities, life skills training and parenting education. MIKE Program works locally to promote healthy habits of children through mentorship programs and educational workshops. Karen also served on the board of MIKE Program for about two years.

Karen's relationship with pro bono extends beyond client representation. In 2010, she took on an opportunity to help shape what pro bono looks like in Oregon when she joined the OSB's Pro Bono Committee. The committee develops plans and strategies to promote pro bono work in the state and coordinates pro bono related clinics, CLEs and social



Karen E. Hobson

activities. According to Karen, one of biggest challenges to creating a "culture of pro bono" is simply raising awareness of the kinds of opportunities available. And through programs like Pro Bono Week and Oregon's Annual Pro Bono Fair, the committee is meeting that challenge head-on.

Even though her term on the committee has ended, Karen continues to look for new opportunities to serve. Right now, she is becoming more involved with the Senior Law Project, a free legal service for qualifying seniors sponsored by the Multnomah County Office of Legal Aid Services of Oregon. The Senior Law Project offers about 25 clinics a month all over the Portland metropolitan area where clients can get access to legal guidance on a variety of issues including consumer problems, real property disputes and estate planning.

Private practice and community involvement keep Karen busy. But she's not all business. When she's not working, you might find her hiking, camping or even running a marathon.



BAAS lawyers and their families at the 2011 MBA WinterSmash

types of work and schedule commitments. The resulting compensation structure holds the partners accountable for their share of the overhead costs and a baseline commitment to the firm, but beyond that, each

The YOUthFILM Project 2011-2012

The 6th annual student filmmaking contest is underway! The YOUthFILM Project (YFP) is an annual K-12 student filmmaking contest, presented by the MBA YLS as part of Community Law Week. The YFP allows students to display their creativity, knowledge and technology skills, while learning more about our government and justice system by writing, directing and producing a short film on civic issues for the opportunity to win awesome prizes! Entries are judged on creativity, educational value and technical ability.

This year's contest explores the theme "No Courts, No Justice, No Freedom." Students from Oregon and southwest

Washington will select from a list of topics for their films. The YFP will host its annual screening on May 3, 2012 at the Hollywood Theatre to showcase the top entries. Prizes will be awarded by honorary guests, including Oregon Supreme Court Chief Justice Paul J. De Muniz.

The YFP committee hopes to build on the successful 2011 screening event, which featured films selected from more than 50 student filmmakers discussing "The Legacy of John Adams, from Boston to Guantanamo." During the event, Chief Justice De Muniz addressed the filmmakers, parents, and teachers with a presentation on iCivics, a web-based education project supported by Justice



people to the YOUthFILM Project Web site to help encourage participation in this enriching event.

If you would like to volunteer as a mentor to a group of filmmakers to answer questions

about the law, develop ideas, and assist with planning, organization and production, please contact YFP committee chair Darin Dooley at darin@naylaw.com.

YLS Member Profile

Julie Nimnicht

YLS Service to the Public Committee member

- 1. What's your name?**
Julie Nimnicht
- 2. Where are you from?**
Cotopaxi, Colorado
- 3. What college and law school did you go to?**
I attended New York University for college and Lewis & Clark for law school.
- 4. How did you get to Portland?** After bouncing around the east coast for a few years, I moved to Portland in 2006 to attend law school.
- 5. Where do you work and what do you do there?** I work at the Law Offices of Geoff Bernhardt. My practice includes estate planning and administration, protective proceedings, and Medicaid planning.
- 6. How did you hear about the YLS?** I received a big packet in the mail after I was admitted to the bar with information about the YLS and all of the ways to get involved.
- 7. How did you first get involved with the YLS?** I signed up to participate in the mentor program and had a wonderful experience. My mentor was amazing and I got to meet other new lawyers and their mentors through a series of fun program events.
- 8. Tell us about what you like about the YLS.** I enjoy meeting other new attorneys at the YLS networking events, and I appreciate all of the opportunities to volunteer in the community at large.
- 9. When did you join the committee? Why did you join?** I joined the committee in September. I appreciated that a primary aim of the group is to improve the public image of lawyers through outreach and education. I have been most impressed by the public spirit of Oregon's legal community. I wanted to promote the MBA's commitment to service, and to encourage new members to get involved.
- 10. What have you found most rewarding about volunteering for the committee?** I get to help coordinate the Imprint Program this year. I had a great experience volunteering for the program last year and I am excited to encourage other lawyers to participate.
- 11. Has your committee membership helped with your professional or personal goals? If so, how?** Yes. I work at a two-attorney firm, so I appreciate the opportunity to meet other lawyers in the community through my involvement on the committee.
- 12. What have you found most surprising about volunteering for the committee?** This committee gets a lot done! We have quite a line-up of events over the next several months. There is something for everyone.
- 13. What is your favorite YLS event or activity? Why?** I enjoyed participating in the Imprint Program last year.



My student pen pal was funny and inquisitive and seemed to genuinely enjoy our exchanges, as did I. As an added bonus, the experience inspired me to revisit some of those great books I read in high school and failed to appreciate. Community Service Day at the Oregon Humane Society was also pretty fun.

- 14. If you weren't on this committee, what committee would you be on?** My second choice was the pro bono committee.
- 15. What are you currently reading (non-legal)?** *To Kill a Mocking Bird* by Harper Lee (see answer to number 13).
- 16. What is your favorite restaurant?** The Screen Door
- 17. What do you do for fun?** I enjoy going to see live music, flatwater kayaking, and hanging out in my garden with my chickens.
- 18. Tell us something about yourself that not many people know?** I went to space camp.
- 19. What do you like about living in Portland?** Portland provides easy access to all of my favorite things: the mountains, the coast, great wine and delicious food.

The first letters will go out in mid-February. To participate, you must be able to attend the program-end party on Wednesday, May 2, 2012 from 11:15am to 12:30pm at Parkrose High School. Yes, a top requirement is that you relax and attend a party.

An orientation meeting for volunteers will be held at 5:30 p.m. on Tuesday, January 17 at the Standard Insurance Center. Attendance at the orientation is not mandatory, but is strongly encouraged.

You can sign up for the program at www.mbabar.org. You may also contact Julie Nimnicht at 503.548.4000 or julie@elderlawpdx.com if you are interested in participating or if you have any questions:

YLS Imprint Program Seeking Volunteers


The Imprint Program has returned for another great year of reading real books and corresponding with local high school students. The YLS Service to the Public Committee's most popular program, it is a way for high school students to connect with young attorneys in their community and develop writing and analytical skills.

Each student in the participating class will be paired up with a volunteer attorney. Both the attorney and the student will be assigned a novel to read over a two to three month period. The student and attorney will write approximately four letters apiece, discussing both their lives and interests as well as discussing the portion of the novel that was read that week. By the end of the program, the student and attorney will have developed a mentoring relationship and will have the chance to meet at an informal luncheon celebrating the project.



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Visit facebook.com/MultnomahBarAssociation

and  our page for timely news and event information.

webcheck

Get a crash course in Multnomah County's trial court at the Young Litigator's Forum Seminar Series, beginning January 19. Visit mbabar.org for more details.

Pro Bono Volunteers

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

Patricia Arjun • Jason Ayres • Jeremy Bader • David Bean • John Beck • Natasha Bellis • Paul Berg • Andrew Bobzien • Carson Bowler • Bradley Brown • Hon. Trish Brown • Sara Butcher • Steven Cade • Brett Carson • Thomas Chow • Andrew Cicerella • Charles Corrigan • Craig Cowley • Jennifer Crooks • Mary Dougherty • David Edstrom • Chris Edwardsen • Anthony Estrada • Benjamin Evans • S. Patricia Flanagan • Susan Ford • Jon Fritzler • Anne Furniss • Samantha Gamboa • George Gilbert • Andrew Ginis • Diane Gould • John Griffiths • Stacy Hankin • Alisa Hardy • Caroline Harris Crowne • Natalie Hedman • Launa Helton • Erica Hendricks • Michelle Johansson • Edward Johnson • Kathryn Jones • Kelly Jones • Nathan Karman • Karen Knauerhase • Mark Kramer • Mary Lang • Elizabeth Lemoine • Shawn Lillegren • Ian Macleod • Merrill Maiano • Tim McNeil • Carl Neil • Julie Nimnicht • Ryan Nisle • Dover Norris-York • James O'Connor • Susan O'Toole • Emily Oberdorfer • Orrin Onken • Bruce Orr • Joel Parker • Christopher Parnell • Paul Paschelke • Sarah Petersen • Erin Rickards • Lauren Rogers • Bruce Rothman • Amy Saeger Miller • Valerie Sasaki • Philip Schuster • George Senft • Ian Simpson • Richard Slottee • Marshall Stagg • Michael Sterner • Ellyn Stier • Walter Sweek • Todd Trierweiler • Maite Uranga • Aaron Varhola • Britta Warren • Brian Wheeler • Charles Wilson • Darin Wisehart • Eric Woodard • Theresa Wright • Whitney Yazzolino • James Yocom

Welcome, New Admittees!

On November 15, the YLS Membership Committee hosted the annual YLS New Admittee Social at Kells Irish Restaurant & Pub. This event gave new admittees to the OSB and young attorneys an opportunity to mingle in an informal setting.

As part of the evening program, the YLS committee chairs gave brief introductions of their respective committees, presenting new admittees with a fun way to get involved in the legal community.

The YLS would like to acknowledge the support of LexisNexis, which sponsored



Megan Tower of LexisNexis with new admittee Kirsten Curtis

the event and provided a Barnes & Noble Nook as a door prize.

Thank you to all who participated. We look forward to seeing you at the next social!



Edward Fu, Robert Le and Ben Cox at the New Admittee Social