



Bullyproof Our Newest YLS Project

by Traci Ray
MBA YLS President

The MBA's Young Lawyers Section was founded in 1980 with a three-pronged mission: (1) to provide services to newer

lawyers, like CLE programs, networking events, and practice support that are promulgated by our Professional Development & Education Committee as well as our Membership and Futures Committees; (2) to provide services to the public, such as Community Law Week and charitable work planned and executed by our Service to the Public Committee; and (3) to encourage pro bono service, which is overseen by our Pro Bono Committee and includes our work with local legal clinics, fundraising for nonprofits, assembling and distributing our Domestic Violence handbook (in English and Spanish) throughout Oregon, and the dissemination of pro bono resource information.

Today, our 1200+ members continue the proud tradition of giving back to the community and as the 2013-14 YLS President, I am proud to announce our next public service project. "Bullyproof: Young Lawyers Educating and Empowering to End Bullying" is a program where, in partnership with the American Bar Association Young Lawyers Division, we will focus on educating 5th graders on the importance of ceasing to be silent bystanders to bullying, and instead, becoming active participants in helping end the bullying epidemic in our schools. In the words of the ABA YLD, Bullyproof is a comprehensive initiative that provides education and resources to

help empower students to make bullying a thing of the past. With Mackenzie Hogan and Sean Ray, our delegates to the ABA YLD, at the helm, we are preparing a Spring 2014 launch of Bullyproof.

It is estimated that 160,000 children miss school every day due to fear of attack or intimidation by other students. According to the National Institute of Health, one in seven students in grades K-12 is either

a bully or a victim of bullying; 71% of students report incidents of bullying as a problem at their school; and 87% of students said shootings are motivated by a desire to "get back at those who have hurt them." By implementing Bullyproof, the MBA YLS aims to help improve these statistics.

Over the past few years we have established a wonderful working relationship with local schools through our Imprint Program, the YOUthFILM project, and other activities that bring lawyers and students together. We are excited to add Bullyproof to our core

Bullyproof is a comprehensive initiative that provides education and resources to help empower students....

programming as the need is present and the YLS is motivated to help. To combat verbal, physical, cyber and text bullying, we will use the Bullyproof Toolkit developed by the ABA YLD. This includes a School Assessment, a Video narrated by Black Eyed Peas collaborator Printz Board, and a Trivia Game to play in the classroom with students – all aimed at reaching bullying's third parties: students who witness bullying of others and do not react because they have not been empowered or educated on how to respond. In addition, the MBA YLS is also incorporating a Poster Project to provide a group activity in the classroom and ensure a lasting impact in the hallways of our schools.

After a well-received and successful "Wills for Heroes" program, the last ABA YLD Project that the MBA YLS adopted and implemented, we recognize the potential for more long-lasting, positive change in our community through attorney outreach. We are looking for enthusiastic supporters to provide narratives about their own experiences with bullying, and attend our inaugural launch. We welcome your participation and support. We are thankful to have our Attorney General, Ellen Rosenblum, as a champion of this project. Of Bullyproof, she says "I am proud to join our young lawyers and to be able to use my 'bully pulpit' as attorney general in this campaign to end bullying. Bullying has always been a problem in our schools and communities, but the addition of text messaging and social media for this purpose has turned it into a silent epidemic, with potentially tragic consequences. It harms our kids and demeans our communities and schools when we know we can help and don't make it a priority to do so. With young lawyers taking the lead, we can and will make a difference."

We are also looking for teachers who see the need for more education and intervention, like Brooke Brandt who teaches at Lot Whitcomb Elementary in the North Clackamas School District, and feels that "anti-bullying education is important because kids learn to recognize, refuse and report bullying. They learn how to make friends, keep friends and how to talk to their friends about bullying behaviors. Students learn that they have the power to make choices over their own behaviors. When we give students autonomy in their own choices, the feeling of belonging in a group, and the ability to refuse and report bullying, bullying behaviors will have less power and influence."

To join in our efforts, or to learn more, please feel free to contact me at tray@barran.com. Additionally, Mackenzie and Sean are available at mhogan@harrisbowker.com and sray@barran.com. They add, "Bullyproof is a program designed to confront one of the largest problems facing America's youth. As bullying reaches new heights it is important that groups launch new efforts to tackle the issue head-on. Bullyproof is designed to engage children and get them involved in the effort to stamp out bullying before it starts. By making children part of the solution, the MBA YLS hopes to do its part to ensure that no kid in the Portland metropolitan area feels that they need to stay home from school to avoid being bullied. By implementing Bullyproof, the MBA YLS hopes to be a positive force for change in an ever growing battle."



When we give students autonomy in their own choices ... bullying behaviors will have less power....



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MBA and YLS Board Elections

The MBA bylaws provide for a slate of candidates to be presented to the membership at least 60 days prior to the annual meeting. The slate of candidates will be printed in the March issue of the *Multnomah Lawyer*.

The bylaws also allow for nominations for the MBA and YLS Boards from the membership at large. A nominating petition, endorsed by the nominee and at least 10 other MBA members, **must be received by 5 p.m. on Friday, February 14, in the MBA office.**

Voting will close on Friday, April 18. Results will be officially announced at the MBA Annual Meeting on Monday, May 12.

mba|CLE

To register for a CLE, please see pages 3 and 4 or go to mbabar.org and log in as a member to register at the member rate.

JANUARY

1.8 Wednesday
Effective Use of Time & Technology for Lawyers
Tom Howe

1.23 Thursday
Paid Sick Leave: A Healthy Understanding of Portland's New Ordinance
Amy Angel
Catherine Riffe

1.29 Wednesday
Multnomah County Presiding Court Update 2014
Judge Nan Waller

FEBRUARY

2.4 Tuesday
Developing, Evaluating & Critiquing Business Valuations for Litigation
Keith Ketterling
Kim McGair
Serena Morones

2.18 Tuesday
Dealing with Pro Se Parties
Amber Bevacqua-Lynott
Linn Davis
Judge Steven Todd

MARCH

3.4 Tuesday
How Jurors, Judges and Other Key Decisionmakers Really Think
Christopher Dominic
Judge Michael Simon

3.12 Wednesday
Annual Family Law Update
Thomas Bittner
Judge Maureen McKnight
Gary Zimmer

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DEADLINE for copy: The 10th of the month*

DEADLINE for ads: The 12th of the month*

*or the preceding Friday, if on a weekend.

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MBF Invites Letters of Inquiry for 2014

by Pamela B. Hubbs

Office and Foundation Administrator

The MBF is seeking letters of inquiry from local nonprofits interested in receiving grant funding for their civic education programs.

Grants are made to 501(c)(3) organizations whose civic education or engagement programs increase the public's understanding of the legal system, particularly the judiciary. Priority is given to new projects that utilize MBA volunteers in the geographic area served by the MBA. Grants are intended to facilitate the initiation or expansion of projects rather than long-term funding of ongoing projects; however, recipients may apply for additional funding in subsequent years.

In 2013, the MBF awarded a total of \$44,000 to Bus Project Foundation, City Club of Portland, Classroom Law Project, Elders in Action, League of Women Voters of Portland, the MBA Young Lawyers Section, MetroEast Community Media, Northwest Family Services and Sponsors Organized to Assist Refugees.

Letters of inquiry for 2014 are due January 24. Full grant applications must be received by March 28, and grant awards will be announced and funded May 9. Criteria for letters of inquiry and more information about the grants program may be found at mbabar.org/foundation/.

Founded in 2005, the Multnomah Bar Foundation is a 501(c)(3) charitable and educational nonprofit. The mission of the MBF is 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.

For more information, please contact Pamela Hubbs at 503.222.3275.

Introducing Shannon West

by Guy Walden

MBA Executive Director

Shannon is the newest member of the MBA team and joined the organization in November, shortly after moving to Portland from her hometown of Cincinnati, Ohio. As the MBA's Office Administrator, Shannon will provide support for a wide range of MBA programs and services, including the CLE program, MBA events and the Young Lawyers Section. I asked Shannon about her first impressions of Portland.

What brought you to Portland?

I enjoy pushing myself out of my comfort zone and experiencing new things. My family and I spent numerous vacations driving to the East Coast, the South and through the Midwest, but I had never been west of the Mississippi. I was eager to get out of my hometown (Cincinnati, OH) and I slowly made my move. I attended Butler University and studied history and political science. I was fortunate to have an internship at the Center for American Progress in Washington, D.C. during that time. After graduation, I moved back home to Cincinnati to save money for a big move out West. I settled on Portland in part because I knew that there were many nonprofits here. During high school and college I volunteered for several organizations and have always felt that community and service



Shannon West

should be important elements of anything that I do. I was also drawn by the location; a short drive to the ocean and to the mountains can't be beat!

What do you think so far? Is it everything you expected?

I am very happy with my decision to move here. I love how walkable the downtown area is and that everything I could want or need is accessible. I've found that a lot of people have moved here with a similar story to mine and they have been very friendly and willing to help me get settled. I have tried Voodoo Doughnuts, some of the food carts, restaurants and local beer. I really enjoy Waterfront Park and seeing all of the bridges and I was glad to be able to make it to the coast this past weekend. I know that there are many more things to experience and I am looking forward to it!

Calendar

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

JANUARY

1.1 Wednesday
New Year Holiday

1.17 Friday
OGALLA Social
Visit ogalla.org for details

1.20 Monday
Martin Luther King Jr. Holiday

1.22 Wednesday
YLS Imprint program
Orientation
See p. 12 for details

1.23 Thursday
YLS Community Service Day at
Children's Book Bank
See p. 12 for details

FEBRUARY

2.7 Friday
Lewis & Clark PILP Auction
Visit law.lclark.edu/student_groups/public_interest_law_project/auction/ for details

2.8 Saturday
WinterSmash
Visit mbabar.org for details

2.15 Saturday
OLSPIF Auction
Visit law.uoregon.edu/olspif/ for details

2.17 Monday
Presidents' Day Holiday

2.19 Wednesday
CEJ Awards Luncheon
Visit cej-oregon.org for details

2.21 Friday
OHBA Awards Dinner
Visit oregonhispanicbar.org for details

MARCH

3.1 Saturday
ACLU of Oregon Liberty Dinner
Visit aclu-or.org for details

3.14 Friday
OWLS Roberts Deiz Awards
Dinner
Visit oregonwomenlawyers.org for details

MBA 12th Annual Wintersmash

A Family Friendly Bowling Event



Saturday, February 8
6-9 p.m.

20th Century Lanes
3350 SE 92nd

10 minutes from downtown Portland

A Multnomah Bar Foundation Civic Education Fund fundraiser

See page 20 for details.

Tell us a little about your prior work in Cincinnati.

My past work-experience has had me wearing many different hats, so to speak. I reported directly to the CFO of a large Cincinnati law firm and contributed my skills to the firm's sister companies. My position had me serving three primary functions: building management, event coordination and administrative support.

Shannon is the first new hire at the MBA in five years, and we are delighted to have her on staff.



Seminars are worth 2 OSB credits unless otherwise noted; 2 Washington MCLE credits may be obtained independently. Registrants who miss the seminar may request the written materials. Substitutions are welcome. Registration fees are non-refundable.

Effective Use of Time and Technology for Lawyers

Wednesday, January 8, 2014
3:00-5:00 p.m.

World Trade Center
Plaza Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Successful lawyers manage their time and use technology effectively to reach their goals. Although efficiency is important, effectiveness is the key. Learn essential time management techniques to help you get more done and be a more effective lawyer. See how technology can increase your productivity. Work Smart, Not Hard. What we accomplish each day varies dramatically by individual. Learn new skills, tips and strategies to become a high performer. Included with the CLE are over 20 Microsoft Word and Excel documents.

A trial lawyer with a deep technical background, **Tom Howe** has over 25 years of experience in law and technology. He is one of the leading e-discovery lawyers in the country, providing legal/technology consulting and expert witness services to some of the largest law firms, corporate legal departments, and e-discovery vendors in the United States.

For more information:

Call Courtney Dippel, Folawn Alterman & Richardson at 503.546.4630. For registration questions, call the MBA at 503.222.3275.

Paid Sick Leave: A Healthy Understanding of Portland's New Ordinance

Thursday, January 23, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Join City of Portland Attorney, **Catherine Riffe**, and employment lawyer, **Amy Angel**, a partner at Barran Liebman LLP, for a review of Portland's new mandatory sick leave ordinance and administrative rules, which go into effect on January 1, 2014, for all employees working within Portland city limits. Learn what is necessary to comply with this new legislation, including who is an eligible employee, the minimum accrual rate, notice and use requirements, as well as other rights and responsibilities of both employers and employees. This CLE will be beneficial for practitioners representing employers or employees, managing partners, and anyone responsible for administering leave.

For more information:

Call Todd Cleek, Cleek Law Office at 503.706.3730. For registration questions, call the MBA at 503.222.3275.

Multnomah County Presiding Court Update 2014

Wednesday, January 29, 2014
3:00-5:00 p.m.

World Trade Center
Auditorium
26 SW Salmon, Portland

Members \$55
Non-members \$85

In this update session the Multnomah County Presiding **Judge Nan Waller** and court staff will discuss the 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.

What's it Worth? Developing, Evaluating and Critiquing Business Valuations for Liquidation

Tuesday, February 4, 2014
3:00-5:00 p.m.

World Trade Center
Plaza Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Determining the value of a business can seem a daunting task to a litigator. But, when the case calls for it, effective advocacy requires at least a basic understanding of the fundamentals of business valuation. Among other things, a litigator must be able to recognize when a valuation is necessary, work with an expert to develop the valuation, present valuation testimony in court, and critique the other side's valuation and cross-examine the opposing expert. Join respected business valuation expert **Serena Morones** and veteran litigators **Keith Ketterling**, of Stoll Berne, and **Kim McGair**, of Farleigh Wada Witt, for an interactive discussion of these topics as they explore business valuation from a litigation perspective.

For more information:

Call Keil Mueller, Stoll Berne at 503.227.1600. For registration questions, call the MBA at 503.222.3275.

Dealing with Pro Se Parties

Tuesday, February 18, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Note: This class will be worth one hour of ethics credit and one hour of general OSB MCLE credit.

Handling legal matters with unrepresented parties holds a number of challenges beyond those encountered in cases or transactions with opposing counsel. Whether litigating or negotiating a transaction, dealing with a party without legal training can add uncertainty and complications which make our work more difficult. Join Multnomah Circuit Court Judge Pro Tem **Steven Todd** and OSB Assistant General Counsels **Linn Davis** and **Amber Bevacqua-Lynott** for an informative discussion of ethical and tactical steps designed to make these matters safer and easier for all involved.

For more information:

Call Todd Cleek, Cleek Law Office at 503.706.3730. For registration questions, call the MBA at 503.222.3275.

Science of the Mind How Jurors, Judges and Other Key Decisionmakers Really Think

Tuesday, March 4, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

For many of us, the practice of law is about persuading jurors, judges, and others to make the decisions we want them to make. But how much do we really know about how the decisionmaking process inside the human brain works? Research conducted by cognitive scientists and others has led to fascinating revelations about how human beings actually make decisions. At this CLE, the **Honorable Michael Simon**, US District Court Judge, and trial consultant **Christopher Dominic** of Tsongas Litigation Consulting will discuss this research and its implications for practicing lawyers.

For more information:

Call Kevin Sali, Angeli Law Group at 503.954.2232. For registration questions, call the MBA at 503.222.3275.

CLE Class Registration on next page

Annual Family Law Update

Wednesday, March 12, 2014
3:00-5:00 p.m.

World Trade Center
Auditorium
26 SW Salmon, Portland

Members \$55
Non-members \$85

On March 12 the MBA will hold its annual two-hour Family Law Update. **Chief Family Court Judge Maureen McKnight**, the Chief Family Court Judge for Multnomah County, will be joined by **Thomas Bittner** of Schulte, Anderson, Downes, Aronson & Bittner and **Gary Zimmer** of Zimmer Family Law. Our speakers will provide family law practitioners with information on changes to Multnomah County Circuit Court procedures well as valuable updates on appellate case law.

For more information:

Call Daniel Margolin, Stephens Margolin PC at 503.546.6374. For registration questions, call the MBA at 503.222.3275.

Intellectual Property Protection: Creative Approaches to Keeping What Your Clients Create

Thursday, March 20, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Intellectual Property can include some of your clients' most valuable and intangible assets. What are your options when faced with infringement, demands, or other challenges relating to copyrights, trademarks, patents, and other intellectual assets? Litigation is only one arrow in your IP enforcement quiver. Join front-line intellectual property attorneys **Jacob Gill**, Stoll Berne; **TJ Romano**, Kolisch Hartwell; and **Anne Koch**, Day & Koch for a practical discussion for business lawyers and other non-IP practitioners about the variety of tools at your disposal to protect and enforce your clients' IP.

For more information:

Call Todd Cleek, Cleek Law Office at 503.706.3730. For registration questions, call the MBA at 503.222.3275.



2013 Support Staff Salary Survey

This issue of the *Multnomah Lawyer* includes an insert that shows average salaries for support positions in Portland. This information is provided to MBA members as a service of Legal Northwest, one of the MBA's oldest member service affinity partners. MBA members receive discounted pricing on direct hire positions through Legal Northwest and also receive a quality of service guarantee. To learn more about how Legal Northwest can help with your staffing needs, call Anneke Haslett at 503.242.2514.



webcheck

To obtain MBA member rates for seminars and events, sign in as an MBA member first:
<http://mbabar.org/Membership/Login.html>

Photocopy, complete and mail or fax the registration form 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 at www.mbabar.org.

Registration Form

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- MBA Member
- Non-Member

Payment Options:

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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.

1/8 Effective Use of Time and Technology for Lawyers

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1/29 Multnomah County Presiding Court Update 2014

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2/4 Developing, Evaluating and Critiquing Business Valuations

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2/18 Dealing with Pro Se Parties

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3/4 How Jurors Really Think

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


3/12 Annual Family Law Update

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

3/20 Intellectual Property Protection

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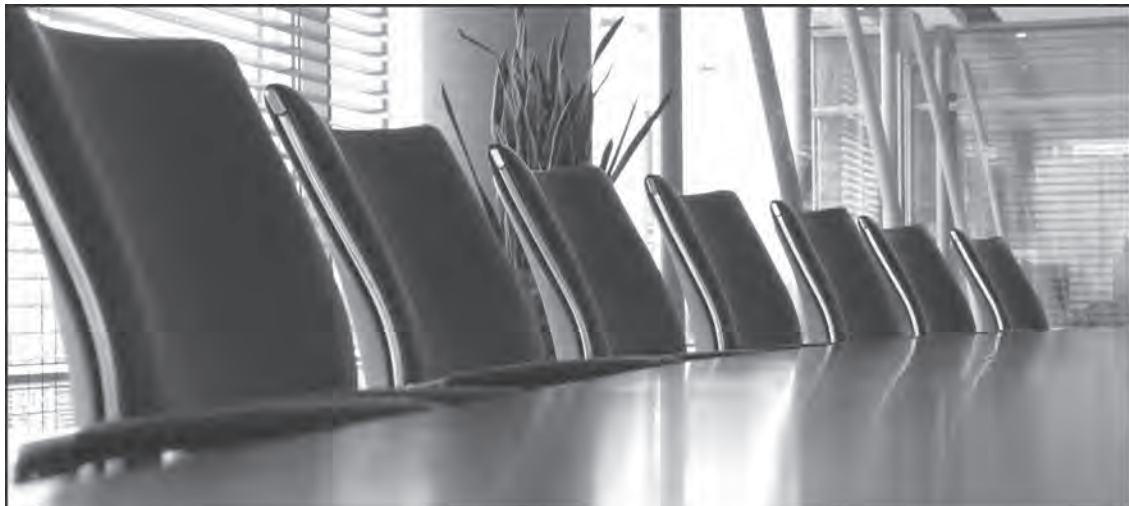



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Director meetings getting more tense?



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mba | ANNOUNCEMENTS

Noon Bicycle Rides

Take a noon break for a short, fast ride with hills. Meet at SW Yamhill and Broadway between noon and 12:10 p.m. on Mondays and Thursdays. Contact Ray Thomas at 503.228.5222 with questions, or just meet at the start. See the article about the history of this long-running MBA tradition on p. 17.

Take a Matter that Matters

Sign the MBA Pro Bono pledge at mbabar.org/about-us/pro-bono.html and commit to taking at least one pro bono case this year.

Changing Lives Forever

This is a collaboration (aka CLiF Project) between Tonkon Torp and Youth, Rights & Justice. It assists individuals with sex offender convictions.

Oregon has one of the harshest sex offender registration laws in the country for people who commit sex crimes as children. These individuals must report as sex offenders on Oregon's registry for the rest of their lives. Being on the registry is a major barrier to employment, housing and education. There is hope, however. Oregon law allows adults who were adjudicated for sex offenses as juveniles to petition the juvenile court for relief from registration. CLiF lawyers - which include lawyers from Tonkon Torp as well as others - provide pro bono representation to help deserving young people get off the registry so that they can live independent and productive lives.

Tonkon has developed a library of forms and information, and the CLiF Project provides training and consultation to lawyers taking on CLiF cases. CLiF lawyers meet once a month (first Thursdays) at lunchtime to hear from experts in the field, share information, and to help each other.

To volunteer, email Gwen Griffith at gwengriff@tonkon.com.

NAPE Foundation Scholarships Awarded

Naa Amerley Palm Education (NAPE) Foundation recently awarded two more Lane Powell/Lee Nusich Scholarships to deserving students attending institutions of higher learning in Ghana. Including the most recent recipients, a total of 48 scholarships have been awarded to Ghanaian university students since the scholarship foundation started in January 2009. The scholarship was named for Lane Powell and Lee Nusich, counsel to the firm in the Portland office and chairman of the board of the NAPE Foundation, as a tribute to their support, which has been instrumental in obtaining funding for the scholarships. The two Lane Powell/Lee Nusich Scholarship recipients and their courses of study are: Owusu Isaac Adjei, science and technology; and Bernice Agyapong, medicine and health.

An Evening Under the Sea

Lewis & Clark's PILP Auction is Friday, February 7 at the Multnomah Athletic Club. Visit http://law.lclark.edu/student_groups/public_interest_law_project/auction/ for details.

Oregon Law Public Interest Fund Auction

This event is Saturday, February 15 at the Eugene Country Club. Visit <http://law.uoregon.edu/olspif/> for details.

Robert J. Neuberger MBA President, 2003-2004 In Memoriam August 6, 1953-November 30, 2013

by Judy Snyder
MBA Past President, 1999-2000



Robert J. Neuberger

On November 30, 2013, Robert Neuberger was defeated in one of the very few disputes he ever lost: his four-year battle with colon cancer. The cancer did not define him, even after he received the diagnosis and suffered through years of treatments. It is not how we remember him.

In 33 years of law practice, Robert improved the lives of hundreds of clients. He blessed those who knew him by his wit, compassion, knowledge and passion for his work, by his pride and love for his son Stuart, and by his genuine enthusiasm for life. Thus, he is remembered by many:

David Sugerman: When Robert slipped away, family friends and the Oregon legal community suffered a profound loss. Robert fought colon cancer for four years. The disease did its best to rob him of his dignity and break his spirit. He would have none of that. Despite many challenges, Robert managed laughter and love throughout a lousy ordeal. When Robert first received the cancer diagnosis, he shrugged his shoulders and chose to dwell on the upside. "You know," he said, "It could have been a piano falling out of a fourth floor window. Or, a TriMet bus in a crosswalk."

Others can recount with precision the arc of Robert's career, which included stints with two legendary law firms in the plaintiff's bar, Green Griswold and Neuberger and Pozzi Wilson Atchison. Law was his calling. His clients got the best skill, care and protection delivered by any Oregon lawyer who stands with consumers. Robert's work was the stuff of local legend. There were groundbreaking cases and quiet ones, too. In an adversarial system, he understood the roles of adversaries and the judiciary. He garnered deep respect from his peers, opponents and the bench. Through the years, he achieved a level of skill and wisdom few of his colleagues will ever reach. In the dark hours of hard cases, Robert was at his best: Razor sharp, completely committed, and driven to succeed.

The Oregon legal community is poorer now for Robert's passing. Perhaps the best way to honor his memory is to carry on his work for consumers and the injured, for access to justice, for the integrity of the civil justice system. That work is unending. We are not expected to complete it, but neither are we allowed to shirk it. We honor Robert by continuing on.

Judge Eve Miller: Robert was a gentleman, polite and well spoken. He had a superior wit and intellect but he was never boastful, never needed to make

those around him feel that they were inferior. Robert was generous with his time and talents. He was a great mentor.

Robert was a fighter. He battled his illness with the same drive and diligence he used as a successful trial lawyer. Through research and conversations with his medical providers, he understood the complexities of the disease process and all of the interventions being used to combat the cancer. He never gave up and would say "it's a marathon, not a sprint."

David Jensen: Robert's influence was far greater than the Multnomah County borders. He was known and deeply respected throughout the state as a passionate, tireless and effective advocate for those who were, sadly, victims of negligence. He was respected in the legislature and successful in the courtroom for the same reason. Whatever the audience, you knew Robert spoke from his heart. At a CLE on juror persuasion, Robert spoke about dressing for trial. He said, "Never wear a bow tie to trial. There are only two kinds of people who wear bow ties. They are clowns and professors - jurors are suspicious of both."



Law Offices of WILLIAMS LOVE O'LEARY & POWERS, P.C. is changing!

Mike Williams, Linda Love, Leslie O'Leary, and Tom Powers, partners in Williams Love O'Leary & Powers, P.C., Beaverton, Oregon, announce the following new developments:

- 1 Mike Williams and Leslie O'Leary will continue practicing as Williams O'Leary, LLC, and will continue to represent plaintiffs injured by defective drugs, medical devices, other dangerous products, and medical negligence, as well as to handle consumer class actions against insurance companies and other financial institutions for unfair dealing.
- 2 Linda Love will practice as Linda Love, Attorney at Law, LLC. She will continue to represent injured consumers, and to resolve and litigate civil and administrative disputes. Also, Linda will serve as a patient advocate for those who have suffered physical injuries as a result of medical treatment, "adverse health care incidents," which can be reported and resolved under the new Oregon law starting July 2014.
- 3 Tom Powers will continue his practice as Thomas Powers, Attorney at Law, LLC, in eastern Oregon. Tom will continue to handle personal injury, products liability, and wrongful death cases, as well as representing clients in criminal defense matters, commercial litigation, nursing home negligence, and elder abuse cases.
- 4 The firm's associate, Steve Seal, has accepted a position as associate with the Berkshire Ginsberg firm in Portland. We wish Steve the best.

While Mike, Linda, Leslie, and Tom are reorganizing and separating their practices, they continue to have the highest personal and professional regard for each other and they continue to work together as friends on several cases. Both Linda and Tom will be working with Williams O'Leary as of counsel while they finish up a few remaining jointly shared cases. Mike and Linda continue their 13 year old marital relationship.

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Ethics Focus

**A Conversation with John Gleason
OSB Disciplinary Counsel**

by Mark J. Fucile
Fucile & Reising



I recently sat down for breakfast with John Gleason, the Oregon State Bar's new disciplinary counsel. By way of background, John came to Oregon following a distinguished 25-year career in lawyer regulation in Colorado - including 14 years as regulatory counsel for the Colorado Supreme Court. John was recognized by the ABA's Center for Professional Responsibility this past year for his innovative work in Colorado. Before getting into lawyer regulation, John was in private practice in the Denver area and spent time as a homicide detective and on a bomb squad before going to law school.

In addition to his experience in Colorado, John is an active member in many national organizations that touch on client protection and lawyer regulation. He is also a frequent member of consultant teams for state lawyer and judicial regulatory systems throughout the country.

John comes to Oregon at an interesting point in lawyer regulation here. Oregon's current regulatory template was adopted in 1984 and his predecessor directed the OSB Disciplinary Counsel's office for almost that long. Although the rules governing the regulatory system have been amended piecemeal over time, the demographics of

the membership and the nature of law practice have both changed dramatically since then. Looking at numbers alone, with roughly 15,000 members, the OSB today is over twice the size it was when the current regulatory framework was adopted 30 years ago.

The regulatory process should be of more than passing interest to all Oregon lawyers. For 2012, the last year for which complete statistics are available, the OSB received approximately 2,000 complaints - or, over one for every 10 Oregon lawyers. For the same period, the disciplinary system also cost over \$2 million - principally from bar dues.

Both my questions and John's answers have been edited (by both of us) to fit conveniently into this space.

What brought you to Oregon?

I had been considering retiring after 25 years with the Court in Colorado. The position here in Oregon was open and I knew and respected OSB Executive Director Sylvia Stevens. I looked at the system here and the rules and was optimistic that I could do some positive things.

What are your initial impressions of Oregon practice?

Oregon has a very collegial bar. I have been traveling all over the state, meeting lawyers. I like them a lot. The bar here is smaller than in Colorado, but it has many of the same general characteristics statewide.

How does the regulatory system here compare with Colorado?

Oregon looks like Colorado did in 1997 before we began a series of changes. The complaints I have heard about the Oregon system are that it is slow and that it is ineffective in dealing with serious matters and recidivists. In

Colorado, we focused resources at two main points in the system. First, we created a centralized telephone intake with the authority to resolve many problems up front. Second, we devoted most of our prosecution resources to serious matters and recidivists.

How did you deal with repeat offenders (assuming the violations were comparatively minor)?

What we found in Colorado is that lawyers who are having a problem rarely have just one problem. We need to "look behind the curtain" and address the underlying problems. We need to get those underlying problems taken care of or we'll just see that lawyer in the system again. In Colorado, we used diversion to address underlying problems and to reduce recidivism. We had as many as 400 lawyers in diversion programs at any one time. In Oregon, diversion has been in the rules, but it has been little used.

What about serious matters?

Our job is to protect the public. One of the first changes I made here was a new administrative suspension rule, which the Oregon Supreme Court approved effective November 1. Before, if a lawyer didn't respond to a disciplinary investigation, nothing happened. Now, if a lawyer doesn't respond, the lawyer will be administratively suspended. Our challenge is to be efficient, fair and effective.

Does it make any difference that the bar is the regulatory body here and that function was directly under a Supreme Court agency in Colorado?

I don't think so. The majority of states have the regulatory function under the state bar. And, we all answer to the Supreme Court.

What are your plans for Oregon?

I was hired to look at the system and to make changes where changes make sense. We have a system that was designed for a much smaller bar 30 years ago that relied almost exclusively on volunteers. I want a system here

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Congratulations to our newest partner

Gordon & Rees is pleased to announce that Daniel J. Nichols has been promoted to Partner.

Daniel J. Nichols
dnichols@gordonrees.com

Dan practices complex litigation, representing clients in commercial disputes and professional liability, construction defect, employment, real estate, and environmental matters. Dan is admitted in Oregon and California and is a member of the Multnomah County Bar Association.

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Around the Bar



Samuel Kauffman



Jay Waldron



Jamie Kilberg

Kauffman Kilberg

Samuel Kauffman and **Jamie Kilberg** recently joined forces to form Kauffman Kilberg LLC. Kauffman and Kilberg practice criminal defense in federal and state courts, including white-collar criminal defense, environmental criminal defense, investigations, and compliance counseling. Kilberg also maintains an active employment defense practice.

Kauffman and Kilberg both serve on the OSB Executive Committee of the Criminal Law Section; Kauffman is a past chair, and Kilberg is the current secretary.

Lance Caldwell

Lance Caldwell has become a Fellow of the American College of Trial Lawyers, one of the premier legal associations in America. Caldwell is currently a sole practitioner specializing in federal white-collar criminal defense, expert services and consulting. His practice also includes civil and criminal case mediation services. He can be reached at lance.caldwell@comcast.net



Bruce Howell

Schwabe Williamson & Wyatt

Bruce Howell, a firm shareholder, will teach "Healthcare Law: The Affordable Care Act" as an adjunct professor of law at the Willamette University College of Law starting Tuesday, January 7.

Howell focuses his practice on various aspects of health law, including reimbursement, fraud and abuse, physician practice management issues, and the Affordable Care Act of 2010. He also handles cases involving genetics, organ transplant technology, reproductive technology, and clinical research

Jay Waldron, a firm shareholder, has been elected chair of the Oregon Health & Science University Board of Directors. Waldron practices environmental and energy law, siting large facilities and representing clients in trial and appellate courts.



Catherine Barker

Gevurtz Menashe

Catherine Barker and **Christopher Graves** are new associate attorneys. Both will handle family law related matters in Oregon.

Barker spent seven years practicing family law in Kansas before returning to Portland, where she began her legal career in 2002.



Iris Tilley

Barran Liebman

Iris Tilley has been named a partner with the firm. Tilley advises employers in all aspects of employee benefits, ERISA, COBRA, HIPAA and healthcare reform.



Emily Karr



Greg Macpherson

Stoel Rives

Firm partner **Emily Karr** has been awarded the Creative Business Volunteer Award by Business for Culture and the Arts (BCA). Honorees were selected based on their ability to strengthen the community, inspire BCA's work and enrich lives. Karr was recognized for her leadership role as chair of The Library Foundation and her commitment to the arts.

Greg Macpherson was inducted as a Fellow into the American College of Employee Benefits Counsel. Macpherson is a partner in the Employee Benefits group at Stoel Rives and has extensive experience with issues and controversies related to unfunded pension liabilities.



The Hon. Cheryl Albrecht

Honorable Cheryl Albrecht

Lewis & Clark Law School will honor Multnomah County Circuit Court **Judge Cheryl Albrecht** with the Larry K. Amburgey Commitment to Public Interest Law Award at the Annual PILP Auction on February 7, at the Multnomah Athletic Club. The award was established in 2011 to recognize law school graduates who demonstrated long-term and loyal commitment to the school's public interest law program. Judge Albrecht is a 1993 graduate of Lewis & Clark Law School.

As a law student, Judge Albrecht was among the earliest students involved in the Public Interest Law Project (PILP) raising funds so law students could afford to take unpaid summer positions with public interest employers. As a graduate,

Judge Albrecht has remained involved in the law school's work, including serving as a member of PILP's advisory board.

The public is welcome to attend the auction and award presentation. Additional information on the auction and the awards presentation may be found at: http://law.lclark.edu/student_groups/public_interest_law_project/auction/



Jeff Bowersox

Bowersox Law Firm

Jeff Bowersox has been appointed by the Hon. Donovan W. Frank of the U.S. District Court for Minnesota to the Plaintiffs' Steering Committee (PSC) in the nationwide litigation against Stryker Corporation related to its Rejuvenate and ABG II artificial hip implants. The PSC strategizes and coordinates all discovery proceedings, scientific investigation, pretrial preparation and bellwether trials on behalf of injured plaintiffs against Stryker Corporation and related entities in the multi-district litigation. The PSC has appointed Jeff to the Deposition Committee, the Written Discovery Committee and the Insurance Committee. In addition to his responsibilities on the PSC, Jeff also represents individual clients in the Stryker hip device litigation.

The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. The submission deadline is the 10th of the month preceding publication or the prior Friday if that date falls on a weekend. All submissions are edited to fit column format and the information is used on a space-available basis in the order in which it was received. Submissions may be emailed to Carol Hawkins, carol@mbabar.org.



Jessica Morgan

Tonkon Torp

Jessica Morgan has joined the firm as an associate in the Financial Services & Investment Management practice group.



J. Chris Duckworth

Bullard Law

J. Chris Duckworth joined the firm as an associate, where he represents both public and private sector clients in labor and employment issues.

Bench Bar & Bagels

In the early morning of November 19, members of the MBA and judiciary gathered at Tonkon Torp LLP for this year's "Bench Bar & Bagels" event. In the relaxed atmosphere, attorneys and judges started their day catching up with colleagues and making new acquaintances over pastries and coffee in a unique networking experience, the fifth year for this fun event.

This event was generously sponsored by Tonkon Torp. If you or your firm is interested in sponsoring a similar event in the future, please contact Kathy Modie at kathy@mbabar.org.



Jon Stride, Judges Amy Holmes Hehn and Jean Kerr Maurer, and David Weiler at Bench, Bar & Bagels

Local Attorneys Participate in PSU's Bridges Program

by Emily Fox
Equality & Diversity Committee

On November 15, 2013, hundreds of high school students participated in Bridges, a college visitation program hosted by Portland State University for students who are demographically underrepresented in colleges and universities. Bridges is particularly aimed at high school students who are first generation or from ethnically diverse backgrounds, and are exploring college opportunities. The students - mostly from the Portland metropolitan area but including individuals from as far away as California and Colorado - spent the day learning about the college admission process, financial aid and scholarship opportunities, and campus life at PSU.

The MBA's Equality & Diversity Committee, in collaboration with PSU's Student Legal Services, organized a

panel discussion for the Bridges students called "What it's like to be a Lawyer." This effort was part of the E&D Committee's work to promote equality in the profession and diversity in the practice of law. Among other activities, the committee reaches out to pre-college students, like those participating in Bridges, to encourage them to consider careers as Oregon lawyers. The diverse panel featured Portland lawyers Colette McEldowney and Nathan Vasquez from the Multnomah County District Attorney's Office, appellate public defender Valerie Colas, Emily Teplin Fox of Markowitz Herbold Glade & Mehlhaf PC, and Hong Dao of the Oregon Law Center.

Approximately 30 students attended the panel discussion. They asked relevant and

Continued on page 14

Now prosecuting product liability claims against Stryker Corporation for its Rejuvenate & ABG II hip replacement devices

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Jeffrey A. Bowersox

Jeff has been appointed by the Federal Court to the Plaintiffs' Steering Committee for the Stryker Hip Device litigation.

Jeff serves on the Discovery Committee which conducts all depositions and obtains and manages all document and ESI production from the defendants in preparation for Bellwether trials.

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Tips From the Bench

Ch-Ch-Ch-Ch-Changes

by Judge Stephen K. Bushong
Multnomah County Circuit Court
Chief Civil Judge



SLR Changes

The court's civil case management system is changing. The current system, reflected in the Supplemental Local Rules (SLRs) that took effect February 2012, will change effective February 2014.

Here is a summary of the changes:

- Initial Case Management Conferences (ICMCs) are eliminated. Parties will still be required to attend a Trial Readiness Conference (TRC) about 240 days after case was filed.
- A motion judge will be assigned by the court when a case is at issue, or sooner if a motion is filed before the case is at issue (requires ex parte appearance). Amended SLRs include procedures for motions for change of assigned motion judge.
- Parties may request a scheduling conference with the presiding judge to determine whether case will be assigned to a special track (Expedited Civil Jury Trial; Complex Case designation).

Why are the rules being changed after only two years? Here are the main reasons:

- Elimination of ICMCs streamlines the use of limited court resources while retaining the primary advantages of the new civil case management system.
- Feedback from the bar suggested that ICMCs were often unnecessary.
- eCourt implementation in May will require a substantial commitment of court resources.

Electronic Filing

When eCourt is implemented in Multnomah County in May, it will be time, in David Bowie's words, to "turn and face the stranger." For many lawyers, "the stranger" may be the court's e-filing system. But it doesn't have to be so strange. E-filing is already being used in the eight counties that have implemented eCourt (Yamhill, Jackson, Linn, Clatsop, Columbia, Crook, Jefferson, and Tillamook). The e-filing system will be the same statewide. Detailed information on how to use the e-filing system is available on the court's website; here's a link: <http://courts.oregon.gov/OJD/OnlineServices/OJDeFiling/Pages/index.aspx>

E-filing will not be mandatory when eCourt is implemented in May, but practitioners are strongly encouraged to start filing documents electronically as soon as e-filing becomes available in this county. E-filing will make the filed documents immediately available to judges, and will eliminate the need to scan filed documents. Scanning is very time-consuming for court staff; e-filing will help alleviate that burden.

Chief Civil Judge

Another change occurred last summer, when Presiding Judge Waller created the position of chief civil judge and asked me to serve in that role. The chief civil judge is involved in court governance, chairs the Civil Matters Roundtable meeting (a monthly meeting of judges), and serves (along with the presiding judge) as a liaison between the bench and civil bar. The position was not designed to be an administrative position; Presiding Judge Waller retains full responsibility for trial assignments and overall civil case management.

As the court's first chief civil judge, I will do my best to be responsive to the needs of the bar and the court. However, the position does not come with a reduced caseload. The chief civil judge retains full responsibility to share in the overall work of the court. My initial focus as chief civil judge will be forward-looking as the court implements eCourt; I do not intend to revisit issues that have been addressed in the past. As Bowie said, "time may change me, but I can't trace time." Lawyers who want to provide input regarding the future of the court's civil case management system should feel free to contact me.

Endnote: The title of this article and all quotes are from the song "Changes" by David Bowie, from the album *Hunky Dory*, 1971.



News from the Courthouse

by Jennifer Wagner
Court Liaison Committee

Chief Criminal Judge Report

Judge Julie Frantz was present to provide an update on the criminal side of the court. She reported that the court is continually working to utilize the court's resources efficiently to pursue the ideals of justice. Due to the diminishing budget, the court is working on how to consolidate courts and staff to provide stability and predictability, with recognition that system changes often have a far-reaching ripple effect.

- There is an effort to consolidate matters that deal with driving under the influence (DUI) charges. Now four judges handle 90% of the DUI matters, which promotes consistency and stability.
- There is a concern regarding the number of criminal cases appearing on the Presiding Judge's Call Docket, which impacts the length of the daily call proceeding; attorneys in civil actions are kept waiting until the criminal cases are worked through. The court is working on a process to assign criminal cases more realistic trial dates (like the Misdemeanor Trial Readiness procedure which has already been adopted for civil cases) and to eliminate the two week cycle of call appearances as a means of tracking pretrial felony offenses.
- The court with the defense bar, district attorney and other county agency partners is implementing a "Veterans' Court." The court will establish a special court docket which will be designated the "Veterans' Court" and the Department of Veterans Affairs (VA) will be involved. The VA will provide information to eligible defendants who want to participate regarding available VA resources (e.g., housing, PTSD, etc.). There will be a veteran's probation violation docket as part of this program. In settlement conferences, participation in the Veterans' Court program may tip the scales in favor of probation instead of prison, because the District Attorney's Office knows that there are VA resources available to help the defendant. The court and agencies involved are in the process of finalizing a memorandum of understanding on operation of the Veterans' Court.
- Multnomah County is receiving \$3.1 million of state funding through the Justice Reinvestment program, which provides funding for community investment in order to avoid individuals going to prison which drives the need to build more prisons. Additional resources (housing, mental health, addiction services, etc.) made possible by the funding may help make probation an appropriate option rather than jail or prison. Multnomah County recently hired its project manager for this program.
- The court is looking at the issue of individuals being released early due to the need for beds by the Emergency Release Program administered by the Multnomah County Sheriff. By statute, early release in managing the jail's population applies only pre-sentencing. Sentenced individuals in jail are not subject to these "population releases" to open up jail-beds. This means a person arrested for a felony offense may be released under the population release process, while a misdemeanor offender serving a probation sentence would remain in jail. One idea that is being looked at is the potential for citation instead of arrest in certain cases, to restrict booking on new changes to insure jail beds are available for person-based offenses or felonies.

- The list of crimes that by local policy require the court, instead of a recognizance officer, to make a determination on release has expanded over the years. This expanding list requires additional beds when individuals with low "risk scores" cannot be released from custody by the recognizance officer but must be held until the next court day. The court is looking at the possibility of reducing this list of "no recognizance officer release" offenses.
- A mental health court was created in 2008. The court is working on the intersection of public safety and mental health, and is now looking at the impact of the federal Affordable Care Act in assisting the mentally ill to have access to treatment resources.

Presiding Judge's Report

eCourt: Judge Waller reported that the court is 156 days away from going live with eCourt. Judge Waller said that it is still the intent to have the Oregon eCourt system implemented across all cases on May 12. She reported that while she is confident the court will meet its goal, there is a large amount of work in progress to make this transition a reality.

There are 10 million cases that must be pushed from OJIN to Odyssey. This process is labor intensive and accuracy is important. The court will have seven full test conversions of this data to be sure the data converted from OJIN is accurate in Oregon eCourt. In the week prior to May 12, OJIN must be shut down for a period of about three days (May 7 to 9) to make the final switch from OJIN to the Oregon eCourt system. During this period, the court will be required to work on a paper basis and without the ability to provide any updates to the OJIN database. On Saturday, May 10, the court's staff will enter all of the events for the preceding three days into the new Oregon

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Justice Richard C. Baldwin Oregon Supreme Court

by Jeffrey Bowersox
Court Liaison Committee

“For me, good citizenship and public service is the way we earn the great privilege of membership in our legal profession.”

Justice Richard C. Baldwin offered that philosophy, which has been his lifelong practice, during his investiture as the newest member of the Oregon Supreme Court. Justice Baldwin was elected to the Oregon Supreme Court over two other well-qualified candidates in a high-profile campaign in November, 2012. He assumed his position on the high court in January, 2013. Justice Baldwin's election brings additional breadth and depth as a private practice trial lawyer, public service litigator and innovator and trial court judge to an already supremely well qualified court.

Justice Baldwin was born in 1947 and grew up in San Jose, California. He was one of four sons of parents who instilled in their children the premise that education is both the great equalizer and the key to personal success. Throughout his life, Baldwin has practiced his parents' teaching that we should always strive to improve ourselves and our communities.

Just a couple of years out of high school, Justice Baldwin and his wife Teresa married and began their lives together. In the early 1970s, they took a trip around the country to find a place to raise a family. They chose Portland and have resided here since 1972. They put themselves through college and graduate school and raised their family along the way. Their commitment to civic contribution has been significant but has never overshadowed their commitment to family. Justice Baldwin has vivid memory of, and has incorporated into his own life, the commitment shown by his parents as they participated in school and community activities for decades throughout their lives.

Justice Baldwin graduated from San Jose State University in 1970 with a BA in Philosophy and from what is now Lewis & Clark Law School in 1975. He was law clerk to the Hon. Robert Foley on the Oregon Court of Appeals and to the Hon. Berkeley Lent of the Oregon Supreme Court.

In 1976, he went to work as a trial lawyer at Multnomah County Legal Aid and then moved into private practice to litigate in the areas of employment discrimination, personal injury and domestic relations. He returned to his public sector law career as director of litigation for Multnomah County Legal Aid in 1991. At a time when legal aid funding was being drastically cut and the permissible scope of representation of low income clients was curtailed by Congress, the Oregon Law Center was created and Justice Baldwin became its executive director in 1996.

Justice Baldwin's public service legal career and private civic commitments have demonstrated particular concern to access to justice for low income and disenfranchised citizens of Oregon. As the Oregon Law Center's Executive Director, Baldwin guided a vehicle that allowed a full range of legal services to Oregon's poor - including lobbying public officials - thereby providing that constituency a real voice in the legislature and in the courts. In his decades of public service he has helped create and drive an institutional approach that would support and provide equal protection and benefit of the rule of law through access to justice.

Justice Baldwin was chair of the Judicial Department's Access to Justice for All Committee and he co-founded "Oregon Uniting" to promote constructive



Justice Richard C. Baldwin

interracial dialogue. For 14 years, he worked on the nonprofit community coalition "Uniting to Understand Racism." In an interview years ago when he joined the circuit court bench, he said "I think you must be affirmatively aware of bias, and bias is simply unacceptable."

Baldwin served as a Multnomah County Circuit Court judge from 2001 to 2012. He established Multnomah County's first mental health court and sat on the drug court, working with his colleagues to address the specific needs of persons appearing in those courts. Along the way as a trial court judge, Justice Baldwin considered it his responsibility to create a respectful courtroom environment where "lawyers could try their own case" in a manner that gave each client a fair chance to prevail. Certainly those of us who appeared before him in the trial court know that he always achieved that goal. A respectful demeanor, a studied patience and a thoughtful ruling were always the order of the day in his trial courtroom.

As Justice Baldwin now sits on the Oregon Supreme Court, litigants from every spectrum will continue to have the benefit of his well-lived and well-respected character and his lifelong commitment to public service. His tenure on the court is sure to mark a continued course in influencing and ensuring the even-handed application of the rule of law governing Oregon citizens.

News From the Courthouse

Continued from page 10

eCourt System for that system to be ready for operations on Monday morning May 12.

The court's subject matter experts are now defining and will soon be building the court's new internal business processes into the Oregon eCourt system. This process began months ago with a definition of all of the OJIN based processes, followed by education regarding the capabilities of the Oregon eCourt system. The court now is defining, documenting and constructing the Fourth Judicial District's internal business processes to fit the new system's capabilities. The court, with the vendor and the Office of the State Court Administrator, is also putting together a training schedule for all judges and staff on the Oregon eCourt system. The training classes begin on March 17 and run through May 9. The court will remain fully operational during this time.

Judge Waller reported that the Oregon eCourt system allows viewers to see full documents, unless otherwise restricted. The register in the Oregon eCourt system therefore does not need to provide as much text describing the terms of an order or judgment as has been the case in OJIN; the needed information will be available through viewing the documents. This change, however, is a source of frustration for Oregon eCourt users who are not permitted currently to view the documents in the Oregon eCourt system. Judge Waller reported that the Office of the State Court Administrator is still working on an approach to allow designated government agencies and members of the OSB to see appropriate documents in the Oregon eCourt system from the web, but it is uncertain when that capability will be available. She noted that there is still legislative work to be finished, hopefully in February 2014, which will permit the Oregon Judicial Department to retain any fees charged for document access to offset the costs for Oregon eCourt maintenance and support.

Doug Bray reported that soon after the first of the year, the court wants to begin orienting the MBA membership on what to expect with the Oregon eCourt system. He noted that an important piece is to reach the staff within the law offices who will be dependent on the display of information available from the Oregon eCourt system, some of whom already will have experience working with Oregon eCourt in the eight implemented counties. The court would like begin office staff orientation ahead of implementation. In *Tips from the Bench*, Judge Bushong includes links with information about the Oregon eCourt system for the electronic filing of documents.

Judge Waller responded to a few questions from the committee regarding eCourt. She indicated that the procedural rules will still provide for judge's copies of filings at the option of the assigned judge. One committee member indicated that in other counties, only one person at each firm is notified of a hearing through email, which can be problematic. Judge Waller indicated that it is possible that electronic notices will be limited to one person per firm, and, if so, firms may need to develop procedures to deal with this issue within their offices' email systems. The committee will consider the idea of monthly brown bag lunches to provide a forum for the community to keep informed on the new Oregon eCourt system.

Courthouse: Judge Waller reported that the county has selected Day CPM Services as the owner's representative for the new courthouse project. Day CPM Services will act as the county's manager for the project including the program planning and site selection processes for the new facility.

Initial Case Management Conferences (ICMCs): Judge Waller reported that the court phased out ICMCs in December, 2013. There will continue to be trial readiness conferences, trial dates will continue to be firm dates, and each case will still be assigned a motion judge.

Have You Renewed for 2014?

If you have yet to renew your MBA membership for 2014, please take a few minutes to renew online at mbabar.org.

Here are a few reasons to continue your membership:

- **Get involved, on your terms:** Many opportunities to network and socialize with your peers - serve on a committee, participate in a volunteer outing, or join us for an after-hours social event.
- **MCLE content, when you want it:** Whether you prefer to ask questions in person at a seminar, attend via

webcast or stream to your smartphone, the MBA offers the CLE programming you want, anytime, at a significant discount to members.

- **Stay informed, get connected:** The Multnomah Lawyer monthly publication, MBA ENEWS and website keep you up-to-date with news, events and a customizable online profile for members.



- **Comprehensive member benefits:** Membership provides access to a range of discounted business services so you can focus on practicing law.

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

Notice to Judge Pro Tem Applicants

The MBA Judicial Screening Committee reviews applications for Multnomah County pro tem and fulltime judicial candidates. The committee typically meets the third Tuesdays of September through May or June. It does not meet during the summer.

Pro tem renewal candidates are asked to submit their applications at least three months (preferably four) in advance of the expiration date of their current appointments so that the committee may complete its work in a timely manner. The pro tem applicants are screened, and the committee's recommendations are sent to the presiding judge, who forwards her recommendation along with the application materials to the Supreme Court for consideration at a regular meeting.

There are two forms for pro tem candidates to complete; both may be obtained by visiting <http://mbabar.org/resources/frequently-requested-documents.html> or by emailing Carol Hawkins at carol@mbabar.org.



Young Lawyers Section

Mentoring Lite Have an Impact in Less than Eight Hours

by Risa Davis
YLS Service to the Public Committee

You've heard it before: Mentoring another individual has innumerable benefits for both the mentor and mentee. The mentee gains access to practical advice, encouragement and support in achieving their potential and discovering their strengths. The mentor gains improved leadership and communication skills, a sense of empowerment and often a new or broader perspective regarding familiar issues.

Yet being a mentor can be daunting. Most associate mentoring with frequent contacts and a commitment of at least one year. What if you aren't sure you can commit that much time? What if you aren't sure mentoring is for you? Maybe you already mentor a law student or another attorney, but are curious about mentoring other age groups or populations? Mentoring is *usually* one of those volunteer activities that is difficult to do for a short time or to simply "try out."

The Imprint Program removes those barriers. This MBA YLS Service to the Public Committee program makes it easy for almost *anyone* to mentor a high school student. That's right; no more excuses.

The Imprint Program pairs Parkrose High School students with attorneys to participate in an activity that is part book club, part pen pal and part mentorship. Over the course of about three months, each attorney-student pair reads a novel from the student's curriculum. During this time the attorney and student exchange letters, usually writing about four each. These letters discuss the book and also give the attorney and student a chance to converse about their lives and interests. At the end of the program in May, the students and attorneys meet at an informal celebration.

This program is multi-faceted and affects the students who participate on many levels. In discussing the book via letter, the students improve their reading comprehension and analysis. The students' writing is developed, not just through writing their own letters, but also by reading well-written letters from their attorneys. The Imprint Program also creates an opportunity for the students to interact with positive

adult role models and develop mentoring relationships. Students get to partner with their attorneys in exploring literature and how it relates to both of their lives.

Almost anyone can make a positive impact in this program. Attorneys who have participated in past years report spending five to eight hours *total* on this project over the four-month duration. Yes, that includes the time needed to read the book and to attend the party at the end of the program. The Imprint Program is a great way to participate in a mentoring program without having to make a long-term commitment. It is a great way to find out if you like mentoring or to explore mentoring those outside the legal community. Most importantly, it's a great way to make a difference.

This year the MBA YLS Service to the Public Committee is looking for 123 volunteers for the Imprint Program. There is an orientation meeting for volunteers at 5:30 p.m. on Wednesday, January 22 at the Standard Insurance Center, 900 SW 5th Ave. Attendance at the orientation is not mandatory, but is strongly encouraged. The first letters will go out in mid-February. To participate, you must be able to attend *one* of two program-end parties held on Tuesday, May 13 from 8:30-9:30 a.m. and from 9:30-10:30 a.m. at Parkrose High School. To sign up for the program, contact Kathy Modie at the MBA at kathy@mbabar.org or 503.222.3275. If you have any questions, contact Alison Brown at abrown@carrbutterfield.com or 503.635.5244.

The Changing Business of Practicing Law

by Ryan Lowe
YLS Futures Committee



The private practice of law is, at its heart, a business. Many private firms are committed to pro bono legal work and community service in addition to serving their paying clients. But firms, and by extension their attorneys, can only survive to the extent they can successfully manage business realities like the bottom line. This is why every successful firm must be managed on some level like a business.

With recent discussions about how the Great Recession has changed the supply and demand for legal services in the United States, and particularly with the large impact these changes have had on young attorneys, we have an important opportunity to expand our conversation about how to effectively manage the business of practicing law. These changing circumstances present an opportunity to question long-held assumptions, to be innovative, and to adapt to ensure that our profession will continue to grow. Over time, we may discover better ways to serve our clients and manage our firms.

It is in this spirit of an ever-expanding discussion that I would like to highlight a few innovations in the business of practicing law that may prove valuable for members of our local bar to consider.

Alternative fee arrangements are innovations in the traditional legal business model that are becoming more common. In order to address clients' understandable fears over billing, some firms are offering clients budgets to complete legal tasks and flat fee pricing for certain types of legal services. In

both cases, firms provide cost certainty to their clients, making purchasing legal services more palatable. Even firms that rely heavily on the billable hour increasingly discount their rates or provide non-billable work to maintain client relationships and satisfaction. Collectively, these practices may indicate that billing practices should be reassessed at many firms to more effectively balance firm revenue requirements with client expectations.

Similarly, other firms are flexible with the timing and manner of payment. Some firms allow for custom payment schedules. Other firms are willing to accept equity from their business clients as a form of payment, after taking the appropriate steps to acquire the client's informed consent and, in Oregon, to notify the Professional Liability Fund of the transaction. Allowing for a wider variety of means of payment may provide more clients access to legal services.

Another innovation is to reduce the substantial overhead expense of running a full-service, traditional law firm. Some solo attorneys and small firms have completely foregone traditional office space in favor of a laptop, cell phone, and an occasional conference room rental. Other attorneys rent an executive suite, or enter into office-sharing arrangements, instead of renting their own dedicated office space. And others, while maintaining an office space, have lowered expenses by avoiding unnecessary tenant improvements, furniture, or duplicative technological resources. In years past, a law firm may have struggled to maintain a sense of legitimacy without the traditional signs of success. But with the expansion of the internet and the rise in working remotely, some clients today do not expect their law firms to exist in a particular physical location.

Along the lines of law firms moving away from a physical presence, some attorneys in niche practice areas are collaborating online. The niche

attorney in one jurisdiction may be able to collaborate effectively with the counterpart niche attorney in another jurisdiction via the internet without either attorney jeopardizing his or her relatively specific client base. Groups of attorneys, with varying degrees of formality, can organize in order to share work, brainstorm ideas, gain valuable professional training, share resources, solidify their reputations, or simply form a community of like-minded professionals. By coming together online, attorneys are able to bridge the geographic divide and may discover strong professional support in these niche practice areas.

Some firms are exploring whether utilizing resources external to the firm fits into their business model. In recent years, there has been a significant increase in the number and availability of independent legal professionals, staff and legal services companies. These external resources can provide everything from administrative support, to e-discovery services, to document review, to complex legal analysis and work product. Firms can utilize external resources on a project basis or on an ongoing basis as needed. In many cases, external resources can enable a firm to efficiently handle complex legal work that it may not have been able to handle on its own.

Many law firms are also rethinking their relationship with technology, and using it in smarter ways. Relatively modest investments of time and money into the right technological tools can significantly improve an attorney's efficiency in researching legal topics and producing quality legal services to his or her clients. More so than ever, sophisticated clients are beginning to demand that their attorneys use technology to the fullest extent available.

And finally, some firms are experimenting with the traditional firm hierarchy of partners and associates, or the traditional law firm measuring rod of the billable hour requirement. By flattening the firm hierarchy and eliminating billable hour requirements, some firms have been able to create an egalitarian culture that motivates many young attorneys. These firms do not necessarily have the same reward incentives as traditional firms, but some have been able to successfully create cultures that appeal to attorneys and clients alike.

Established firms may find it useful to make selective changes to their firm business model in order to remain competitive and viable. Newer and start-up firms may find themselves with a competitive advantage if they are able to embrace innovations that would be impractical for more established firms to implement. As a profession, by embracing timely innovations in how we practice the law, we can maintain a strong, healthy legal profession that benefits both attorneys and clients.

mba yls | EVENT

YLS Community Service Day

The Children's Book Bank

1728 NE Glisan St., Portland

Thursday, January 23

5:30-8:30 p.m.

The YLS Service to the Public Committee invites you to volunteer at The Children's Book Bank, which seeks to improve the literacy skills of low-income children by collecting, repairing and distributing used books to families in need. Volunteers will participate in the book "rehab" process by erasing scribbles, cleaning covers and taping torn pages. This event is limited to 15 volunteers.

To sign up or for more information, contact Risa Davis at davis@davis-lawoffice.com or Amanda Johnson at amandajohnson@schneiderlaw.com.

A Celebration of 25 Years

by Mackenzie Hogan
YLS Board

This year, Oregon Women Lawyers (OWLS) will be celebrating its 25th anniversary. Recently, I had the opportunity to chat with Linda Tomassi, Executive Director of OWLS, about the 25th anniversary, how OWLS has changed in the last 25 years and where they expect to be 25 years from now.



Q: OWLS is celebrating its 25th Anniversary in 2014, any big plans to commemorate the occasion?

A: We will commemorate our 25th year informally all year long, culminating in a celebration following our fall conference in September or October. We will keep people updated through our website, listserv and electronic newsletter.

Q: Looking back, how has OWLS changed in the last 25 years?

A: We are still powered by the energy and vitality of our members, whose ideas create our programs. We are still trying out new events and ideas to further our mission.

What has changed is that we have grown in size and strength. We have more chapters around the state and are working closer than ever with state, local, and specialty bar organizations. We hold brown bag CLEs by phone that our members from the state can call into from anywhere

at no cost. Keeping up with new technology may not be something that has changed, but there sure is a lot more of it than there was in 1989. Check out our new website at www.oregonwomenlawyers.org. Our online membership directory will be live soon.

Q: Where do you see OWLS in another 25 years?

A: I'll take this as an aspirational question. What will lead to the year 2038 for a women and minority bar association in Oregon? Through the strength of collaboration, OWLS will have worked tirelessly with other legal and non-legal organizations to ensure that the number of qualified and inspiring women and minorities in the board room, the corner office, in local, statewide and federal political offices, and in all levels of the judiciary has increased exponentially.

The practice of law will look very different in 25 years. I see OWLS continuing to have innovative programs that meet the needs of lawyers as envisioned by the members.

Q: What are some of the initiatives that OWLS has planned in the near future?

A: OWLS' mission is to transform the practice of law and ensure justice and equality by promoting women and minorities in the legal profession. Our programming is guided by our mission, and will reflect the quality of life issues that impact everyone in the legal profession. In the near future, programs that address equal pay, work life / personal life balance, leadership challenges, career development, advancement, and fulfillment are on our radar.

These are the issues we have been addressing for 25 years. In fact, some local OWLS chapters have been addressing them much longer than OWLS, as they pre-date the statewide bar.

Q: Any special plans for the OWLS annual dinner and auction this year (it's in March, I believe)?

A: The 2014 dinner is a celebration of the 22nd recipients of the Justice Betty Roberts and Judge Mercedes Deiz Awards. We'll celebrate Judge Elizabeth Perris as the recipient of the Roberts award and Lissa Kaufman as the recipient of the Deiz award. The OWLS Foundation will hold a scaled back silent auction prior to the dinner, which will still be a fun social time before the 7 p.m. The foundation is selling raffle tickets to raise money for their programs and will have one live auction item at the dinner.

Q: Can anyone attend?

A: Anyone can attend the dinner. The cost is \$90 for a ticket or \$900 for a table for 10. It's pretty fun. We hope you'll join us.

Q: How can a young associate be more involved with OWLS?

A: I recommend that young associates get involved with their local chapter. We have chapters around the state, and those chapters create their own programs, events and networking opportunities. Many of the chapters have their own board of directors and committees that need new volunteer energy.

Q: Does someone have to be a woman to join OWLS?

A: No. We welcome everyone. As a 501(c)(6) professional membership organization, members do not need to be from Oregon, a woman, or even a lawyer to be a member.

and anything else that you don't want to forget. Brush up on the rules of evidence. In addition, have a cheat-sheet of trial objections handy to ensure that you preserve your record in case of an appeal.

Organize your files. Know where everything is by marking important items and making sure that they are readily accessible. Nothing annoys a judge, jury, or client more than having to wait for you to find a document that you thought was there a minute ago. If something is a key item, make sure to have multiple copies.

Develop a theme for your case. As you prepare and review your documents, develop a theme that explains your case. Think of the important concepts you would like to highlight and find ways to work them into your case.

Be mindful of your appearance. Dress appropriately and make sure that whatever you decide to wear does not distract you or others.

Be confident and courteous. Boost up your confidence by remembering that you have achieved a lot - you graduated law school and passed the bar exam. If

I'm New Here Notes from a First Year

by Spencer Hardy



"Network." This is the response every new unemployed lawyer receives when asking for job-hunting advice. Yet, at the recent YLS luncheon, of the approximately 40 new lawyers in attendance, only a small handful wore nametags with the vague phrase "Attorney at Law" listed below their first and last name, instead of the name of a firm - usually an indicator that the lawyer is still looking for full-time, long-term employment. As an "Attorney at Law" myself, this took me by surprise, because

a relatively small luncheon with other lawyers struck me as an excellent networking opportunity.

Although I've always been described as outgoing and sociable, networking events can be intimidating and stressful, especially without having previously met any other attendees. However, as the first lawyer in my family, I recognize that these YLS events are the best and most efficient way to build a network. I encourage my fellow "Attorneys at Law" to get comfortable with being uncomfortable. In my two short months as a Portland lawyer, it's quickly become apparent how helpful, friendly, and welcoming this community is. The stigma I thought existed with being unemployed turned out to be nonexistent. So please, if you see me at a YLS event, introduce yourself to me. We can introduce ourselves to others and network together.

November YLS Community Service Report

by Sandon Duncan
YLS Service to the Public Committee

MBA volunteers met on Saturday, November 16 at the Oregon Food Bank (OFB), along with several other community groups. Our group was one of three that was assigned a special task of salvaging and repackaging damaged, expired, and other unwanted food goods in a special room at the back of the facility. Some people opened donation boxes and initially sorted the goods, cleaned the containers, and repaired damaged goods if possible. These usable goods were put on a conveyor, where others were packed into re-used banana boxes. There were a lot of leftover treats from Halloween.

Each filled banana box was moved to another area, where they were sealed and scanned into a computer system by another group, and then palletized. The filled boxes are distributed to other smaller food banks

around Oregon. In just a few hours, we were able to salvage and repackage around 10,000 pounds of food, which provided over 7,000 meals to hungry Oregonians. Roughly one in 15 Oregonians receive food from the OFB and the local distribution centers around the state.

Thank you to all who volunteered: Lauren Barnhart, Timothy Crawley, Sean Currie, Sandon Duncan, Ean Eldred, Eric Graf, Sue Graf, Nadine Honda, Shanelle Honda, Molly Lehrkind, Jaimy Urbach, Angela Wilhelms, Grace Wong and Lynda Zangerle.



YLS volunteers at the Oregon Food Bank

you thoroughly prepared, then you can be confident that you will be able to think on your feet and react accordingly. In addition, always remember to be civil, courteous, and professional.

Get feedback. The only way to get better is to know what you need to improve. Ask a more experienced lawyer or your mentor to attend your first court appearance to provide some feedback. When you get the feedback, don't be afraid to ask for specifics and know that some critiques/comments may be based on that lawyer's own personal style.

Accept that you will make mistakes. When you make a mistake, be able to bounce back from it and move forward. Also, it's okay to admit that this is your first time and that you are nervous. No one will hold it against you, because there is always a first time for everyone.

Yours truly,
Awesome Associate

Send your questions to Awesome Associate at mba@mbabar.org.

Ask the Associate

Dear Awesome Associate:

I finally get to appear in court on behalf of my client. How do I prepare myself mentally for my first court appearance?

Your friend,
Nervous Associate

Dear Nervous:

It's perfectly normal to be nervous about your first court appearance. Even seasoned trial lawyers get nervous in trial because they are invested in their client's case. But your nervousness may be from the fear of embarrassing yourself. This fear is normal and rational. Knowing how to argue, examine witnesses, or present your case is an art that is mastered through practice and experience. Here are a few things you can do to help you mentally prepare for your first court appearance.

Familiarize yourself with the court. Learn how the judge runs the courtroom by sitting in during a trial by the judge. Ask other

lawyers whether the judge has any pet peeves or unusual practices. Review the judge's profile to find out whether the judge has individual practices or rules you must know. If you can't find them, consider calling the clerk to ask if there are any such rules and where to find them. In addition, depending on how soon your first court appearance is, you should consider going to the courthouse once a week and spending two hours observing different trials. By observing different trials you will learn, among other things, where to sit and stand in the court room, how close you can get to the jury and witness, and different trial techniques.

Prepare, prepare, prepare, and then prepare some more. Make sure you know your case better than anyone. Learn the substantive law and have a sheet of the pertinent statutes readily available. Because you will be nervous, you should, at least, write down what you plan to say at the beginning

Bridges Program

Continued from page 9

important questions, including how lawyers develop specialties, what a criminal defense lawyer does when she is tasked with representing someone guilty, whether lawyers work too hard, and how to become a judge. By introducing these inquisitive students to lawyers who value diversity and/or are

themselves from populations underrepresented in the bar, the panel exposed the Bridges students to the real possibility of becoming Oregon lawyers themselves. Many thanks to the panelists, to Student Legal Services, and to the E&D Committee for a great event.

Although Bridges is an annual event limited to high school students, there are numerous opportunities for lawyers to volunteer with PSU

students who want to pursue legal careers. For example, SLS' Explore the Law program connects diverse students with members of the bar who serve as mentors. Interested lawyers should contact Shannon Sprague, slms@pdx.edu, or Lissa Kaufman, kaufmanl@pdx.edu, at Student Legal Services to learn more.

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Stoll Berne welcomes back Yoona Park. Yoona's practice will continue to emphasize complex business litigation, securities litigation, and employment litigation. Yoona received her Bachelor's degree from Dartmouth College and graduated *cum laude* from Lewis & Clark Law School. Yoona was an associate editor on the *Lewis & Clark Law Review*. She has been recognized by *Oregon Super Lawyers* as a "Rising Star" (2009-2013).

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The Corner Office PROFESSIONALISM

Communicate

We are trained to solve legal problems. Most lawyers are good problem solvers and have established methods to work a case and obtain a favorable result. What some lawyers may not be as good at is explaining to clients what is going on and why. This communication gap often frustrates clients. While we doggedly research the law and strategize on how to best present a case, clients are often left guessing about what is going on. We may be tempted to just tell our clients "Trust me. Don't worry, I've got it covered," if we want to communicate with them at all. Often, we just want our clients to give us space and time so that we have more time to scheme and plot and obtain a favorable result.

Unfortunately, that is not enough. Clients deserve and, indeed, have a right to hear more from us. Our duty to communicate is codified in Oregon Rule of Professional Conduct 1.4. That rule not only requires us to keep our clients reasonably informed about the status of a matter and to promptly comply with requests for information, it also requires us to explain a matter well enough that our clients can make informed decisions.

Communicating well with clients goes beyond just the rules of professional conduct; it is good business, and one of the hallmarks

of professionalism. Every time we handle a client's matter we are auditioning for future business and word-of-mouth referrals. We are also building the public's perception of our profession. If you earn a reputation for being unresponsive or cranky, then you had better have a different model for getting new clients.

But how do you keep the lines of communication open and satisfy the most needy of clients? What about the client who sends multiple emails during the wee hours of the morning and expects an instantaneous response? One very simple way to handle demanding clients is to manage expectations. Explain up front how and when you will respond to routine requests for information and how you will keep the client up-to-date on any developments. You might also want to explore creating a series of template letters you can choose from to save time when drafting a response to client inquiries. For example, create a letter that acknowledges receipt of your client's contact and leaves open space to respond to a specific request. Often, you will not have anything substantive to report. If that's the case, explain that once you have something new to discuss, you will be in touch or set up a time to talk.

When striving to improve client communication, technology is your friend. Many word processing programs have a nifty function that allows the creation of template letters on the fly. For instance, in Microsoft Word, just choose "Save as Template" every time you create a letter you think you will use more than a few times. You can also create fields allowing you to click and insert text. Email programs often allow you to flag client communications that need a response and set a timeline to respond.

Clear, timely communication makes for more satisfied clients. But perhaps more importantly, it builds the public's trust in the legal profession as a whole.

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

Ethics Focus

Continued from page 7

that "gets behind the curtain" to help lawyers with problems and uses the bar's limited resources wisely by getting recidivists out of the system.

What can Oregon lawyers expect from you?

I think you need to know the people you are regulating. If

you ask Colorado lawyers about me, they will probably tell you that they have either met me or at least seen me at a CLE. I am trying to meet as many Oregon lawyers as I can, wherever they are. I recently had lunch with six lawyers in Hood River. I encourage lawyers and local bar groups to contact me and I am happy to meet with them.



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Still Climbing After all these years!

by Jim Coon
Swanson Thomas Coon & Newton

One hot day in June, 1991, Ray Thomas handed Jim Coon a heart rate monitor and invited him to climb the Northwest Hills on a bicycle for lunch. (Coon pushed the monitor well past 200, proving that heart rate and bike speed aren't necessarily related, and Thomas and Coon became law partners, but that's another story.) Twenty-two years later, the "Lawyers' Ride," now known as the "Old Lawyers' Ride" or "Whip the Old Lawyers Ride," has left Pioneer Square at 12:15 p.m. every Monday and Thursday, regardless of weather, with occasional use of snow routes.

the young lawyers, doctors, tech folks, accountants, hairdressers, journalists, government employees, sports trainers and unemployed bike racers keep dragging down the demographic. Most (though not all) women have more sense than to subject themselves to this ride. Those who do join it are plenty fast enough to leave this writer far behind. But it's a friendly ride, and we regroup before anybody quits.

Over the years we've noticed some changes as riders' lives progress. For example, when riders get married and have children, their descending style

friend in college during a star-crossed semester in the fall [sic] of 1969.) A particularly off-camber hairpin turn just below the Rose Garden children's playground in Washington Park seems always to be unexpectedly slippery. The riders treat this turn with special, perhaps unnecessary, respect, and some of the more religiously inclined riders stop there annually to offer a small burnt sacrifice in an effort to appease the god of off-camber hairpin turns and road rash.

The ride has had positive media coverage on NPR by Tom Goldman, who didn't join the ride, and in *The Oregonian* (a former Portland daily newspaper) by Harry Esteve, who regularly does. Somewhat less favorable have been occasional letters to the *Northwest Examiner* (a neighborhood monthly) from motorists who, for some reason, drive up NW Cornell road at lunchtime on Thursday and fail to appreciate the charm of three dozen brightly clad cyclists climbing at 12 miles per hour.

On the Monday ride, the riders form a rotating paceline on Fairmount Boulevard, each rider riding in the slipstream of the rider just in front so as to reduce the effort required to keep pace.

(This is why, in the Tour de France, the peloton almost always catches individual riders who have tried to "escape.") This technique, known as "drafting" or "wheel sucking," can be especially challenging on wet roads in the winter. Wheel suckers will seek out riders with good rear fender coverage to avoid a face full of road grime. Riders without rear fenders are shunned.

Special clothing is, of course, de rigueur for the ride. If you don't think you look good in spandex, you have better taste than most of these riders. Nevertheless, the sight of several dozen superheroes whirring up SW Taylor Street does quicken the pulse and alert

the senses. ("What's that new crosswalk statute again?") Several law firms have their own team jerseys and do their best to get other riders to wear them, which may have to do with some sort of marketing impulse, but is more likely just about sporting cool stuff. Most riders have dozens of different team, corporate or other jerseys, but most pretty much wear the same one all the time.

The "Lawyer's Ride" welcomes all comers, and, for some reason, it keeps getting bigger. Some of us have been doing this for more than 20 years, and some started in 2013. The evidence is, however, that the ride will persist long after Thomas and Coon have had their last arthroscopic knee procedures. If you think it might be for you, and you're not too fast, we'll see you Monday.



Photo Credit: Ray Thomas

Mondays we climb to SW Fairmount Boulevard and ride a paceline circuit just below Council Crest, then over to Sylvan, up Old Barnes Road to the radio towers, and down through the Washington Park Rose Garden. Thursday it's Cornell Road up (Up! Up!) through Forest Park via Thompson Road to Skyline and back down the same way.

In those 2,200-odd rides, the peloton (that's a bunch of guys on bikes) has grown from just Thomas and Coon to over 60 riders on a big day. The old lawyers keep getting older and slower, and

moderates. It seems explaining to a spouse that you'll be in a full leg cast for two months, so you won't be so much help with the kids, is an experience most want to avoid. Or maybe it's just the waning of testosterone and the realization that older bodies take longer to heal.


Actually, the safety record of this ride is excellent. Crashes are rare, and there have been just two broken bones (a forearm and a collarbone) in 22 years. (This compares favorably with the rate of injury for the writer's best

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OAPABA Members Nationally Recognized

In November, 15 Oregon Asian Pacific American Bar Association (OAPABA) members attended the 25th National Asian Pacific American Bar Association (NAPABA) Convention in Kansas City, Missouri. Over 1,200 Asian Pacific American (APA) attorneys, judges, and law students from across the nation attended the convention. The convention's "Momentum" theme highlighted and celebrated the monumental achievements of APA attorneys

over the past 25 years at the highest levels of the legal profession while also encouraging attendees to collaborate for future progress and successes. OAPABA was proud that many of its members were at the forefront in celebrating these monumental achievements.

Judge Lynn Nakamoto 1st Oregon Recipient of National Trailblazer Award

Judge Lynn Nakamoto, the first APA judge of any Oregon

Appellate court, received national recognition for her outstanding contributions to APA attorneys at a special ceremony at Convention. Judge Nakamoto received the



Judge Nakamoto receives the Trailblazer Award

The Trailblazer Award recognizes individuals who

inaugural 2013 Senator Daniel Inouye Trailblazer Award, NAPABA's highest national honor.

have demonstrated vision, courage, and tenacity, and who have made substantial and lasting contributions to the APA legal profession, as well as to the broader APA community. Judge Nakamoto was one of six recipients to receive the award.



OAPABA members at the 25th NAPABA Convention

Trung Tu Installed for 2nd Term as NAPABA NW Regional Governor

Trung Tu was also officially inducted for his second term as NAPABA Northwest regional governor at the convention. Tu is a partner at McEwen Gisvold LLP, where he specializes in business litigation, legal malpractice defense and employment law. The NAPABA Board of Governors is comprised of nine elected officers, 10 regional governors, who represent the nine NAPABA regions across the U.S., and four at-large-members. The northwest region encompasses Oregon, Washington, and Hawaii.

NAPALSA Board Members

OAPABA was also proud to celebrate the appointment of

Tucker Kraght as public relations chair and Samrach Sar as Pacific North regional director for NAPALSA, the student chapter of NAPABA. Kraght is a second-year law student at the Willamette University College of Law and previously served as the Pacific North regional director for NAPALSA. Sar is a first-year law student at the Willamette University College of law.

Congratulations to Judge Nakamoto, Trung Tu, Tucker Kraght, and Samrach Sar on their wonderful accomplishments!

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Clinic, Children's Representation Project, and Changing Lives Forever Project. To learn more about pro bono opportunities in Multnomah County, go to www.mbar.org and click on "About Us" and "Pro Bono."

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WinterSmash Benefits MBF Civic Education Fund A Family Friendly Bowling Event Saturday, February 8

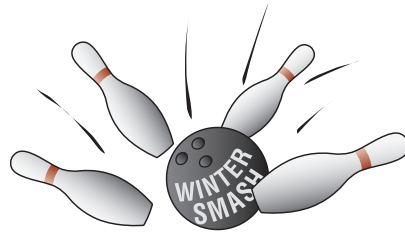
The 12th Annual WinterSmash is slated for Saturday, February 8 from 6-9 p.m. at AMF 20th Century Lanes (3550 SE 92nd Ave. in Portland).

Lanes will be available exclusively for MBA members and their friends, colleagues and families for an evening of fun and food. Bumper lanes will be set up for children. The event serves as a fundraiser for the Multnomah Bar Foundation Civic Education Fund, which helps educate our citizens about

the rule of law, the need for an independent judiciary and the importance of juries.

Come enjoy the company of your colleagues, some good food, play a game you know you love, and support a good cause. Tickets are \$40 for adults and \$15 for kids 3-12 years old. Price includes food, drink, shoes, balls and lane time. Prizes will be awarded for the highest and lowest individual scores, the group with the most participants in attendance and

the group with the best bowling shirt. In addition, a trophy will be presented to the group with the highest team score. Raffle tickets will be for sale. The event promises to be a good time; don't miss this opportunity! Register via the insert in this issue or at www.mbabar.org.



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