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NETWORKING OUTSIDE THE BIG CITY

"The community will give back what you give to it."

Networking to build a client base, once considered the purview of senior male attorneys, has been steadily gaining acceptance among women in big cities, large corporations, and major firms—witness a recent *Wall Street Journal* article that highlighted the rapid growth of the American Bar Association's Women Rainmakers section.

In large cities, women professionals may do much of their networking with other women and generate business through special activities for female clients, but in smaller communities rainmaking often takes a very different form. To help shed light on the special needs of women lawyers outside the big city, we have tapped the wisdom of some of our own members.

Barbara M. Dilaconi handles civil litigation work as the only woman attorney in the Klamath Falls firm of Boivin, Jones, Uerlings, Dilaconi & Oden, P.C. Barbara considers herself fortunate to have had colleagues—both here and in Nevada—who helped her understand how to practice law and how to get and keep good clients. Barbara has found that building a personal reputation, and thus a client base, means being actively involved in the community, speaking to local organizations about one's area of expertise, and being involved in local bar activities and court committees. "I would say that my practice has been built by word of mouth because I have been fortunate in having extremely loyal clients and I have built up numerous friendships over the six years that I have been in Klamath Falls." Barbara's visibility has been enhanced by her participation in community theatre and other local activities. In particular, she notes, "I have received clients following many of my speaking engagements on nursing and the law."

Lisa N. Bertalan, a shareholder with Bryant, Lovlien & Jarvis, P.C. in Bend, is one of eleven attorneys in a firm that handles several areas of practice. Lisa herself developed a practice in estate planning, probate, and elder law four

years ago when she noticed the influx of seniors to the Central Oregon area and realized that no local attorneys were doing guardianship/conservatorship, Medicaid, and long-term care planning work.

"I set myself out as an expert in this area by teaching a class in elder law at my local community college, appearing weekly during our local 5:00 p.m. news to host a segment entitled 'Mature Decisions' where I discuss legal issues facing seniors in our community, speaking to senior groups, and networking with my local Senior and Disabled Division caseworkers. I also have a busy estate planning practice which I developed using much the same marketing tactics, except that my networking in this area was mainly with accountants, stockbrokers, and financial planners."

Patricia Sullivan, in private practice in Pendleton, a town of 15,000, considers herself fortunate. She is well known there, is able to work part time, has excellent child-care providers, and likes the fact that Pendleton is

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DON'T MISS ANITA HILL!

Professor Hill will speak on "Sexual Harassment: An Historical Perspective on Abuse of Power" 6:30-8:30 p. m., Wednesday, November 19, 1997, in the Smith Center Ballroom at Portland State University. General admission is

\$35 and patron tickets are \$100. Corporate and patron sponsorships include reserved seating and a private reception with Professor Hill after the lecture. Event proceeds will benefit the Job Equity Project, a program sponsored by the YWCA of Salem. For tickets, call (503) 985-3597 (Portland) or (503) 581-9922 (Salem).



President's Message



At the summer CLE co-sponsored by Oregon Women Lawyers and the Oregon State Bar, I was struck by Professor Mary Becker's tales of the struggles for women's equality—both legal and practical—that have taken place over the years. Her talk made me think about what more we can do to advance women and minorities in the legal profession.

One obvious solution is to place women in positions where their experience can impact vital decisions—for example, decisions about who should fill vacancies on the federal bench, both locally and nationally. Women and minorities are currently underrepresented on the federal bench in Oregon. We are also underrepresented at the state level, particularly in the appellate courts. Judicial openings need to be filled by well-qualified individuals from diverse backgrounds.

The good news of late is that the new chief judge of the Oregon Court of

Appeals is Mary Deits, and Virginia Linder has just been named to the court as well. At the federal level, Ann Aiken was nominated to the federal district court, though her confirmation by the U.S. Senate has been pending for nearly two years. And Susan Graber has been appointed to the Ninth Circuit Court—though approval of the appointment would result in the departure of the only woman on the Oregon Supreme Court.

Women and minority candidates in Oregon need all the support they can get, and with the recent demise of JEWEL-PAC, there is a void that must be filled. Therefore, the OWLS board of directors recently voted to endorse candidates for certain offices in Oregon. We will consider individuals who have expressed interest in openings on the Oregon Supreme Court, the Oregon Court of Appeals, the federal bench in Oregon, and the OSB Board of Governors. For any position, we may endorse none, one, or more than one candidate.

Another way we can promote women and minorities for consideration for high-profile positions is to showcase their expertise through our

newly re-energized speakers bureau. OWLS can highlight qualified individuals as speakers at our own CLEs and seminars and as guest speakers for other organizations.

Those of us who are qualified should step forward as speakers, writers, and candidates. We should also do our homework and scout highly qualified women and minorities in anticipation of future openings for positions of leadership. We can and should offer support through the appointment and approval/election processes, while those who have "been there" offer guidance.

Finally, we should all write to our elected officials and demand that the judicial approval process become more efficient. To be left in limbo as Ann Aiken has since President Clinton appointed her in November 1995 is unconscionable. The more of us who support a streamlined process, the greater the chance that the next judicial appointments will be smoother. In time, our voice will grow louder. In the meantime, we must yell!

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Manche Langley has been variously described as "fabulous," "sensational," "incomparable," and "unforgettable." In a tribute in the April 27, 1964 issue of the national Phi Delta Delta magazine, Helen Althaus stated:

In Oregon "Manche" is a magic name whose utterance will ever evoke vivid and precious memories....As a lawyer and as a person, Manche is unforgettable. Whenever we wanted a Xi Chapter meeting to be a resounding success as a joy to all who attended, we asked Manche to be sure to come. As a frequent toastmaster at Phi Delta Delta dinners, Manche was incomparable.... Manche...— that warm, unique personality whose lively wit and humor put everyone at ease and enchanted all who met her, from nine to ninety, from cowboy to college professor. Manche loved life and she loved people.

But perhaps most of all, Manche was a humanitarian. Despite her efforts at anonymity, Manche's ever-impulsive, unselfish generosity to those in need became legendary in her lifetime.

Manche was born in Furnace County, Nebraska on August 19, 1883. Her father and his brother practiced law together at Shellsburg, Iowa. The family moved to Washington County, Oregon in 1891, and Manche graduated from Forest Grove High School in 1898. She went on to graduate from Tualatin Academy (now Pacific University), and to read the law in Langley & Son, her father's Forest Grove office.

The thirteenth woman to be admitted to practice in Oregon (on Oct. 12, 1909), Manche worked with her father and brother in general civil practice from 1909 until 1933. In 1912 she was noted in *The Centennial History of Oregon* (Joseph Gaston, Editor) for her "keen intellectuality" and for her "deductions...[that were] at all times logical and her reasoning clear and forceful."

In the summer of 1918 she toured with Chautauqua for 16 weeks, through California, Oregon, Washington, Idaho, and Montana. She was hired to see that tents were put up, platforms constructed, and bleachers in place when the show started. William Jennings Bryan was the star attrac-



❖ Pioneers ❖

MANCHE IRENE LANGLEY

By Trudy Allen, OWLS Historian

tion. While she toured, she managed to carry on her law practice by telephone messages and telegrams to and from her secretary in Forest Grove.

Manche wanted to teach a law course at Pacific University, and in order to do so she had to have a law degree, so she went to law school while practicing law (which she had been doing for nearly 18 years!). She got an LLB from Northwestern School of Law in 1927 and then taught law at Pacific from 1927 to 1933.

On June 5, 1932, she was appointed Democratic National Committee-woman of Oregon. Prior to that she had served as secretary and chairman of the Washington County Democratic Central Committee.

In 1926 Manche was president of the Women Lawyers' Association of Oregon. She was also a member of the League of Women Voters beginning in 1925 and was moderator for early sessions of the Northwest Institute of International Relations, which the League founded, at Reed College. From 1944 to 1948, she served on the State Board of the League and in 1950 was a member of its committee on international relations.

From 1944 to 1950 (and probably later) she did volunteer work for the Oregon Prison Association, especially in helping with parole cases. She was elected vice president of the association in 1949.

She was a member of the American, Oregon State, and Multnomah Bar Associations and was a lifelong member of Phi Delta Delta, a women's legal fraternity, and a member of Queen's Bench. She was also a

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NETWORKING

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a place where "neighbors do for one another." Pat's part-time work has enabled her to spend time with her children, serve on the OWLS board for five years and the board of Oregon Legal Services, take part in Bar activities, and chair the Professionalism Commission. However, Pat's work requires that she be flexible and willing to travel, because her firm has clients all over Eastern Oregon.

Pat believes that networking starts with volunteering (especially in the schools), joining the Chamber of Commerce, getting involved in the community and church, showing an interest in high school athletics, and generally supporting kids. She has also gained visibility by teaching at the local community college.

Kathryn Bourn, a solo practitioner in Astoria, came to the law from a career in journalism. (She developed an interest in the law while covering a variety of cases, including civil rights and wrongful death litigation, criminal trials, and a United States Supreme

Court case involving pesticide regulation.) After graduating from Cornell Law School in 1995, she began prosecuting misdemeanors with the Clatsop County District Attorney's office, organized a women's fair, and served as chair of a domestic violence and sexual assault response team designed to study and improve communication and coordination between hospitals, rape centers, community groups, and the district attorney's office. She set up her own office in 1996.

Kathryn receives a number of referrals as a result of her community involvement, including referrals from groups associated with the domestic violence and sexual assault response team and from police and attorneys who know of her background with the district attorney's office. She has also placed her name on the Oregon State Bar Referral List and has contracted with the local women's resource center to assist with a pro se divorce center using the Oregon State Bar packet.

In Clatskanie, **Heidi Olsen** and her partner **Ted Grove** are the only practicing attorneys in a town of 1,800. Recently Heidi, a transplanted big city girl, received the greatest compliment

she could imagine when an acquaintance said she thought Heidi had grown up in Clatskanie, gone off to college, and then come back. The secret of prospering in a small town, she believes, is "Serve well the clients you have today. They will tell their friends."

Besides being a cantor at St. John the Baptist Catholic Church, serving on the pastoral council, and working with the local arts commission, Heidi hasn't joined any organizations in her new hometown. In a place where "everybody is related or about to be," however, she is well known. And when the Columbia County Bar gets together, all the judges come. "There are usually 15 people there. In a bar of that size, you're more hesitant to burn bridges and you certainly are careful about how you treat your colleagues." She also has to watch out for conflicts of interest. She and her partner are on the phone with Sylvia Stevens at the Oregon State Bar about once a month to make sure they aren't getting into a conflict situation.

Lois Albright and her husband **Chris Kittell** have practiced together in Pacific City since 1978. They have both been dory fishers as well as lawyers and love their life at the coast.

"The community will give back what you give to it," Lois says. "It's very important to join local organizations and get to know the people."

At first Lois felt somewhat isolated as a professional woman, but once the other women got to know her as a mother and a volunteer in activities related to children, the barriers came down. Lois has been on the YMCA board, involved in her church and school, and connected with numerous children's athletic activities. Her biggest community project has been the Tillamook Bay Child Care Center, which she and five other professionals helped start. The center now serves 67 children who would not otherwise have had access to day care.

Karen C. Allan is a 22-year veteran of the law who has always practiced in Medford. Her practice includes appellate work, estate planning, work with various nonprofit groups, and representation of hospitals. Although her early referrals came from members of her first firm (Frohnmayr, Deatherage, Foster & Purdy), she developed a client base of her own

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through community activities, including volunteering for community organizations, serving on various boards, fund raising, and helping establish a child care center. She also joined Rotary, spoke to various groups about estate planning, and became a member of the Southern Oregon Estate Planning Council. The council brings her into close contact with others from a variety of professions.

Karen—now a partner in Foster, Purdy, Allan, Peterson & Dahlin LLC—echoes the belief that a key to success in a smaller community is doing a good job and getting the work out quickly. That is important, she says, because “word travels.”

Gretchen Morris is another attorney with long experience in a small city. For the past 21 years she has practiced in Corvallis—for approximately half of that time in the partnership of Marek & Morris. Gretchen believes in the value of getting involved in one or two community efforts and doing a really good job. She herself serves on the board of a local incubator group, the Business Enterprise Center of Benton County, which provides assistance to new and would-be businesses. That volunteer work puts her in touch with other professionals, including insurance agents, financial planners, and accountants. Gretchen also believes in the power of advertising. In 1984, when she opened her own solo practice after taking a year off to earn a master of taxation degree from Georgetown University, she ran frequent ads in the local newspaper.

Rose Jade of Newport worked for Oregon Legal Services for 9 months and then established a practice in her home, doing contract work for other attorneys and indigent defense work. In order to establish her practice, she found she needed to network with other lawyers and test the feasibility of the idea. Surprisingly, she found that a solo practice would be possible once she eliminated the overhead costs that a big firm incurs. Rose believes that it takes courage to do “what your heart tells you to do”—courage and a lot of networking!

Of all the women we talked to, **Barbara Ashley Phillips** came from the smallest town, Halfway (pop. just over 350). The first 20 years of her career following graduation from Yale Law School were spent in general litigation

practice in Oregon and California. Then in 1981 she trained in mediation and became a professional mediator. Today she does her work in Oregon, Washington, Idaho, California, and Utah—and operates a Bed & Breakfast Inn and a bison ranch in Halfway.

Living in such a small place has its pleasures and its unwritten rules for success, among them “keep a low profile, always make time to chat with people or go for a walk, volunteer for invisible tasks, focus on what you admire in people, abandon self-importance, and do your inner work.” While Barbara’s mediation is done outside the community where she lives, her advice is important for anyone considering setting up shop in a small town or city. At the heart of her advice is the notion that networking is all about liking people and letting that attitude shine through all that you do. As she puts it, “Allow yourself to connect with that divinity in every person—including yourself.”

The information for this article was gathered by Margaretta Eakin, Terri Kraemer, Katherine O’Neil, and Ingrid McTaggart.

NETWORKING TIPS

- **DON’T REINVENT THE WHEEL.** If you need help, ask a more experienced attorney in your area. This also fosters good relations with other attorneys in your practice area who may refer work to you in the future.
- **NETWORK, NETWORK, network.** I specifically targeted networking with other women professionals. Women tend to want to make a referral to another woman professional.
- **I SPEAK TO EVERY GROUP** that invites me. Whether it be a crowd of 20 or 100, I never turn down a speaking engagement.
- **FIND AN AREA** on which you can become an expert and volunteer your time for speaking engagements.
- **STREAMLINE YOUR PRACTICE** so that you can focus your attention on marketing and meeting with clients. This is important in a small town and a small firm where the attorneys are not fed work from older partners.

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Around Oregon

■ **Lane County Women Lawyers Association** is gearing up for a new season with two new leaders—Director Catriona McCracken and Treasurer Kimberlee Morrow—and program organization help from Debra Pilcher. At its October 17 luncheon, the group heard from Judge Lyle Velure and Probate Commissioner Ardys Matthews regarding recent changes in Lane County Probate administration. Luncheons take place at the Oregon Electric Station at noon on the third Friday of each month. Steering Committee meetings take place at noon on the first Friday at "Field's." For details, call Catriona at (541) 741-8220 or Debra at 485-5151.

■ As a result of its 1997 *Race Judicata*, **The Mary Leonard Law Society in Salem** made a donation of \$5,583.75 to Threshold, a program that serves autistic children and their families. Mary Leonard is also the driving force behind the 1998 OWLS joint conference with Great Britain's Association of Women Solicitors, Friday, July 24, through Sunday, July 26, in Cambridge, England.



(From left) Cheryl Albrecht, Hon. Eve Miller, Shari Pearlman, and Adrienne Nelson at the September Queen's Bench lunch

luncheon honoring women judges. Call Lori Deveny at (503) 827-8283 or Concetta Schwesinger at 226-7986.

■ **Queen's Bench** continues its 50th anniversary year celebration following an October 14 kick-off event at the Crystal Ballroom in the Benson Hotel (where the group held its first meeting). On Veteran's Day, Tuesday, November 11, Milli Schaber, Captain in the U.S. Coast Guard Auxiliary, will be the guest speaker at the downtown Meier & Frank store (10th floor). On Tuesday, December 9, Queen's Bench will again meet in the Crystal Ballroom of the Benson Hotel for the annual holiday luncheon honoring women judges. Call Lori Deveny at (503) 827-8283 or Concetta Schwesinger at 226-7986.



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A Bridge to the Future

Oregon Women Lawyers and the Association of Women Solicitors are sponsoring a joint program July 20-27, 1998 at Lucy Cavendish College, Cambridge University, England. In addition to attending a two-day conference sponsored by the two organizations, participants will have the opportunity to attend a number of CLE sessions, tour the Suffolk Wool Towns and Anglesley Abbey, attend a Shakespeare play, and spend a day in London. The proposed conference program includes discussions about litigation; family law and alternative dispute resolution; commercial law; probate and estate planning; real estate transactions; employment law, discrimination, and harassment; personal injury and workers' compensation; environmental law; and professionalism issues.

Trip costs for lodging, coach travel, several meals, and special events are approximately \$1,400 per person (with CLE) or \$1,200 (without CLE). The final cost is subject to change based on the exchange rate. Most rooms are singles with baths, though a limited number of family accommodations may be available.

Reservations must be made no later than December 20, 1997 and must include a check for a deposit of half the trip fee. For more information, contact Diane Rynerson at (503) 221-2135, (e-mail: orwomenlaw@aol.com), or Sandra Smith Gangle (503) 585-5070, (e-mail: sandrasg@open.org).



In August, the **Washington State Bar Association Board of Governors** unanimously passed a motion to write a letter urging President Clinton and the Washington state congressional delegation to move forward with filling vacancies on the Ninth Circuit. The **Oregon State Bar House of Delegates** took similar action in September.

OWLS Members Appointed to Trial Courts

This summer OWLS members **Patricia Crain** of Medford and **G. Philip Arnold** of Ashland were appointed as trial court judges in Jackson County and **Janet Holcomb** was appointed to the Benton County Circuit Court. Although Judges Crain and Arnold were appointed to the circuit court, an October 1 consolidation of the district and circuit courts does away with the distinctions between those two entities, sets up civil and criminal departments, and reassigns the duties of all the judges.



Judge Crain

Judge Crain, a graduate of the University of Oregon Law School, has been in private practice in Medford since 1977. She focused her practice primarily on family law and was active in several family and juvenile law-related organizations, as well as serving on the Medford Water Commission since 1985.

Judge Arnold received his law degree from the University of Tennessee and served as a Legal Services lawyer in that state before moving to Oregon. He is a former director of Jackson County Legal Service and had a civil law practice in Ashland from 1983 until his appointment to the court. He was a member of the Ashland City Council for 10 years.



Judge Arnold

Judge Holcomb, the first female circuit court judge in Benton County, comes to her new post after eight years as a prosecutor in the county district attorney's office. She earned her law degree from the University of Oregon and worked for the Portland and Corvallis city attorneys' offices before joining the district attorney's staff. She is actively involved in a number of organizations.



Judge Holcomb

Judith Armatta Accepts CEELI Appointment

The Central and East European Law Initiative (CEELI), a public service project of the American Bar Association, has announced that Judith Armatta has accepted an overseas appointment. CEELI supports legal reform in Central and Eastern Europe and the Newly Independent States of the former Soviet Union.

Judith, former legal counsel for the Oregon Coalition Against Domestic and Sexual Violence, arrived in Belgrade in mid-June as CEELI's first liaison to Serbia. While she is there, she will provide technical legal assistance to independent legal organizations that are struggling to promote the rule of law. She will also try to collaborate with the new Serbian Judges Society, founded in April 1997 to organize reformist members of the judiciary. In general, Judith will work to promote continuing professional legal education, legal reform advocacy, and public legal education.

For information about CEELI programs and volunteer opportunities, call 1-800-98CEELI.

Embracing Midlife Conference This Fall

Register now for Embracing Midlife II, a menopause conference sponsored by the All Women's Health Services. The conference,



Former U.S. Surgeon General Dr. Elders

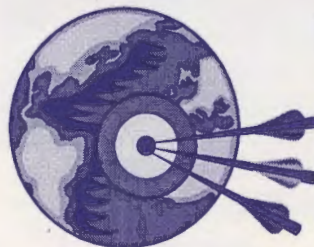
which features former U.S. Surgeon General Dr. Joycelyn Elders, takes place at the Eugene Hilton & Conference Center Saturday, November 1, 1997.

The one-day event takes a holistic approach and features topics ranging from the politics of menopause and ageism to osteoporosis to the use of natural hormones, herbs, and nutritional therapies.

You can register by calling (541) 683-7545, but hurry—time is short!

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Take Notice!

■ **Women Rainmakers.** Nancy Moriarity is organizing a spring series of the OWLS Rainmakers group and is looking for speakers and topics. Of special interest: a speech or demonstration that could be videotaped—then replayed in OWLS chapters and supplemented by local speakers. Contact Nancy at (503) 227-5631.

■ **Practical Skills Seminar.** The Professional Liability Fund is sponsoring a practical skills seminar for new admittees and lawyers entering into private practice. The workshop, to be held December 2, 3, and 4 at the Oregon Convention Center, includes information on developing a successful practice and avoiding legal malpractice, an examination of ethical issues frequently raised in private practice, practical tips from judges, and presentations on setting up effective systems. The seminar qualifies for a total of 19 MCLE credits—17 practical skills and 2 ethics credits. Although it is possible to register for any portion of the semi-

nar, attendance at the full program will satisfy MCLE practical skills requirements for new admittees' first reporting period. The registration deadline is November 21, and the fee is \$45. Those admitted to practice in Oregon 1990-97 should have received flyers. If you need a flyer, please fax Linda D'Agostino at (503) 684-7250.

■ **Auto Fraud Project.** The first training session for new Special Assistant Attorneys General (SAAG) in the Consumer Justice Alliance's new Auto Fraud Project has already taken place,



A program of song by Armonica Gifford and a substantial donation of funds to the Campaign for Equal Justice were highlights of the recent OWLS Bar Breakfast in Seaside.

but lawyers interested in training for the program can still receive free training, which carries MCLE credit. To request more information, write: Auto Fraud Project, Dept. of Justice/Financial Fraud Section, 1162 Court St., NE, Salem, OR 97310.

■ **Twenty-Second National Conference on Women and the Law.** After a hiatus of nearly eight years, the National Conference on Women and the Law is being revived. The event will be held March 19-22, 1998 at the Bill Graham Civic Center Auditorium in San Francisco. General admission will be \$250, admission for public interest employees \$150, and law student admission \$40. Register before November 15 and receive a 10 percent discount. CLE credit approval is pending. For information about the event, call (510) 597-0570 or visit the Conference Web site (www.womlaw.org).

■ **Willamette's Spring Break CLE.** Following Willamette University College of Law's successful 1997 English Legal Heritage Program at Oxford University, a trip to Washington, D. C. is being planned during Spring Break (March 21-28, 1997). The CLE will involve a group admission to the U.S. Supreme Court for interested alumni and members of the Oregon State Bar. For details, call (800) 930-2586. Anyone interested in making the trip should call Sandra Smith Gangle (503) 585-5070 or send her an e-mail message at sandrasg@open.org.

■ **Spanish Legal Network Directory.** The Spanish Language Legal Network has published its new directory of Spanish-language firms and attorneys in Oregon. This helpful resource provides information on each individual's firm, personal background, and self-assessment of proficiency as a Spanish speaker, as well as providing information about other firm staff members who are bi-lingual, information about use of Spanish-speaking interpreters and investigators, and other helpful information. The directory can be ordered by mailing a check for \$8 to Constance Crooker, 815 SW Second Avenue, Portland, OR 97204.

■ **Women in Business Advocates.** The Small Business Administration has set a November 3 deadline for submitting

WERE YOU AWARE THAT:

Two recent studies concluded that *people continue to suffer pain as a direct consequence of whiplash long after acute and rehabilitative treatment is discontinued?*¹

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¹Barnsley, L, Lord SM et al (1995) *Chronic Cervical Zygapophysial Joint Pain after Whiplash: A Prospective Prevalence Study*, Spine 20:20-26.

Feinstein, AR (1996) *20th Century Paradigms that Threaten both Scientific and human Medicine in the 21st Century* J Clin Epidemiology 49(6):615-617.



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Katherine O'Neil and The Hon. Sandra Day O'Connor pause for a photo at the recent Ninth Circuit Judicial Conference in Portland. Katherine was ending her three-year term as chair of Oregon's delegation of lawyer representatives to the Ninth Circuit. OWLS members Judy Henry and Jackie Romm will continue their terms. Lawyer representatives are appointed jointly by the chief judge of the U.S. District Court for Oregon and the OSB Board of Governors. Four appointments will be made this fall.

nominations for Women in Business Advocate of the Year. Those who have demonstrated a commitment to the advancement of women's business ownership may be nominated. For details, call Mr. Moe Mowery at (503) 326-5209.

■ **Free CLE for ABA Members.** ABA members can participate in free monthly continuing legal education teleconferences based on selected articles in the ABA Journal. The program runs through December and may be renewed for 1998. For information, call the ABA Service Center at (800) 285-2221.

■ **Second Annual Seminar on Legal Ethics.** The Phi Delta Phi Legal Fraternity and Northwestern School of Law of Lewis & Clark College will present the Second Annual Seminar on Legal Ethics on Saturday, November 15. Attendees will receive 4.0 Oregon and Washington CLE credits. The seminar runs from 9:00 a.m. to 1:15 p.m. in Room One at the Northwestern School of Law of Lewis & Clark College, 10015 SW Terwilliger Blvd., with registration beginning at 8:30 a.m. The seminar fee is \$75 for registrations received before November 7 and \$85 for those received thereafter. New at-

torneys (admitted 1995-97), legal assistants, and secretaries may attend for \$55. Students may attend free on a space-available basis when they register by November 7. For program and registration details, call Angela Langlotz at (503) 275-9140.

■ **PSCC Breakfast Series.** At 7:30 a.m. on November 14, January 16, and mid-March, the Professional Services Coordinating Council invites OWLS members to the Mallory Hotel to hear

a series of speakers. The November program, on "How Telecommuting Is Changing Professional Services" is presented by John Knowlton. Programs in January and March address the topics "Refining and Developing Your Strongest Niche" and "How to Work Out Conflicts with Clients." The cost to members of OWLS, a PSCC member organization, is \$15 per breakfast. To reserve, call the Suran Group at (503) 274-9381.

Women with Disabilities Suffer from Society's Attitudes

A new study by the Center for Research on Women with Disabilities reveals the damaging effects of social attitudes on these women and provides information about the factors that cause this group to be what principal investigator Dr. Margaret Nosek calls "our nation's most severely oppressed minority." Among the findings:

- Women with disabilities had limited opportunities to establish romantic relationships.
- Abuse was a serious and longer-term problem for them and they had even fewer options for escaping or resolving it than women in general.
- Women with disabilities encountered serious barriers to receiving general and reproductive health care, with 31 percent being refused care by private physicians because of their disabilities.

According to Nosek, who is a wheelchair user, few of these problems are directly related to disability. They are more a result of society's negative stereotypes about the abilities and potential of women with disabilities.

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**THE CONTRACT
 LAWYER
 REFERRAL SERVICE**
 By Deborah Guyol

As a service to our members, the OWLS Contract Lawyer Referral Service will answer questions about contract work and contract attorneys. Feel free to submit your questions for upcoming issues. For more information, call Nona Soltero at (503) 228-0097.

Question: I've just learned that a lawyer I do contract work for, who pays me \$50 per hour, charges her clients \$85 per hour for my work. Is this ethical?

Answer: This is a controversial topic, but nothing in the ethics rules or ethics opinions prohibits the practice you describe. In many cases it makes sense—for example, if the hiring lawyer pays you before she is paid by her client, she should be able to charge more to compensate herself for the time value of money and the risk of nonpayment. If the hiring lawyer's support staff spends time finalizing your work product, some of the hiring lawyer's overhead is attributable to your work.

The applicable ethics rules are DR 2-106, which requires that fees lawyers charge to their clients be reasonable, and DR 2-107, which requires that any division of fees with lawyers

who are not "firm members" be disclosed to clients and consented to by them.

The reasonableness requirement should be satisfied so long as the rate charged the client is in line with what is charged in the community for lawyers at your experience level. But what if a hiring lawyer charges the client a reasonable rate but pays the contract lawyer at a significantly lower rate? If a hiring lawyer pays the contract lawyer only \$20 per hour, it is probably not reasonable for her to charge \$100 per hour to her client for the contract lawyer's work. In investigating these questions, it may help to compare the hiring lawyer's profit level to that of law firms, which (according to an often-cited rule of thumb) hope that about one-third of associates' collected billings will go to firm profits.

The client disclosure requirement raises more difficult questions. First it is necessary to determine whether the contract lawyer is a "firm member" — defined in DR 10-101(A). If so, no client disclosure and consent is required. Although the "firm member" definition is deliberately vague, a safe statement is that the more a contract lawyer looks like an employee of the hiring lawyer, the more likely she is to be deemed a firm member (for conflicts as well as disclosure purposes). Thus a contract lawyer who works regular hours in the hiring lawyer's offices, has access to the hiring lawyer's client files, and is introduced to clients as an associate or law clerk of the hiring lawyer is likely to be deemed a "firm member."

A second question is what level of disclosure the rule requires. Some argue that the hiring lawyer must tell the client, "I pay Sarah \$50 per hour but I'm charging you \$85 per hour for her work." Others believe that the only disclosure necessary is a statement in the engagement letter along the lines

of: "I will use contract lawyers to help with your work from time to time, and will charge you no more than \$100 for their services." The most aggressive position is that no disclosure at all is necessary because no division of fees takes place if the hiring lawyer pays the contract lawyer before she is paid by the client. Until an ethics opinion addresses this question, the hiring lawyer should adopt the rule she is most comfortable with (bearing in mind that it is usually preferable to err on the side of caution).

More disclosure is clearly required in the case of the "expert" contract lawyer. If you are hired for your land use expertise, and the hiring lawyer lacks such expertise, the hiring lawyer must under DR 2-101(A)(4) disclose to the client that she has associated you as an expert to do work in that area. ABA Formal Opinion 94-388 states that when a lawyer associates or affiliates another firm, the lawyer must disclose the nature of the relationship and the sharing of any fees to the client and obtain the client's consent to the arrangement. Contract lawyers who are hired for their expertise in a particular practice area look more like another "firm" than like an employee. They are likely to command a higher rate, and the hiring lawyer is more likely to pass their bills on to the client without markup.

Deborah Guyol is co-author with **Deborah Arron** of *The Complete Guide to Contract Lawyering* (Niche Press, 1995). To order a copy of the book, call (800) 359-9629.

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Enhancing Our Personal Power

By Katherine Foldes

In what situations are you reluctant to speak up? Is it in dealing with clients or employer/attorneys who underestimate the amount of time it takes to complete a project? Is it in setting and enforcing your billing rate? Is it in turning down a case when you are already stressed by overwork? Is it in trying to get feedback from a boss or colleague on your work? The first step to empowerment is an awareness of the situations that make you feel less than powerful.

In a session on empowerment that I led at a recent meeting of the Oregon Women Lawyers Contract Lawyers Referral Service, we looked at the issues that are problems for contract lawyers. However, the exercise we did applies to all of us.

As women, we were generally raised to please others, to be polite, and to emphasize connection to others. As a group, we tend to have a problem saying "no." We tend to personalize and take on blame for any strong negative statement about ourselves. Sometimes these tendencies impede our effectiveness with clients, co-workers, and supervisors.

We all have areas where we feel less than powerful. To find out what your areas are, follow these steps: First, identify the issues that arise for you. Then spend a few minutes identifying where your resistance comes from. Try to remember the first time you had the same feeling in your youth. What is associated with this feeling? Next listen carefully to your inner voice and what it is saying when you are experiencing the feeling of powerlessness or of reluctance to speak up for yourself. Develop a new inner statement that supports you in asserting your needs and wants.

When you anticipate the situations that are a problem for you, put on a mental coat of armor. Practice the situation with someone. Get a different view. Then try your techniques. There is nothing like success to keep you heading in the right direction.

"Empower" means to give authority to something. Let's give authority to our own abilities, needs, and values.

On the Move

The **Hon. Polly Higdon** becomes chief judge of Oregon's bankruptcy courts, effective January 1998. She is the first woman "chief" of any federal court in Oregon. The appointment was made by the Ninth Circuit on recommendation of the Oregon District Court judges.

On July 21, 1997 **Eva Kripalani** began her duties as vice-president, general counsel, and secretary of KinderCare Learning Centers, Inc., based in Portland. The company employs approximately 23,000 employees at 1,150 centers in 38 states and 2 centers in the United Kingdom. Eva was formerly a partner at Stael Rives in Portland.

Linda Love was elected president of Oregon Trial Lawyers at its August meeting in Sunriver. She is the third woman to be OTLA president, making Oregon a leader among affiliates of the American Trial Lawyers Association.

Virginia Linder, OWLS board member and Oregon's Solicitor General, has been named by Governor Kitzhaber to the Court of Appeals.

Nancy Moriarity was recently elected to the board of the Federal Bar Association and appointed chair of the upcoming Federal Practice CLE. She is also chair of the local rules committee of the federal district court. Nancy is a litigation partner in the Portland firm of Chernoff and Villauer.

Lynn Nagasaki was elected vice president of the board of the Campaign for Equal Justice at its fall meeting. In addition to becoming an officer, she joins the executive committee of the Campaign. Lynn is in the General Counsel's office of the Oregon Department of Justice.



1997 Oregon Women Lawyers Membership Application & Renewal

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Mary Leonard Law Society (Salem)

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OREGON WOMEN LAWYERS, P.O. Box 40393, Portland, Oregon 97240

Pioneers continued from page 3

member of the Order of the Eastern Star. Her pioneering contributions included her work to enable women to serve as jurors in Oregon.

Among her many interests were poetry (reading and writing it), music, literature, theatre, ballet, and gardening. When she lived in Forest Grove, she won prizes for her lilies and pansies. She had traveled in Europe and had an avid interest in current and past international affairs. She traveled widely in Oregon as well and was a connoisseur of both western and oriental art. She was a person of great energy, who walked from her apartment near St. Vincent's Hospital (at its old location in Northwest Portland) to and from the county courthouse every day, even in her '70s. When she died on July 13, 1963, a month before her 80th birthday, she was still vigorously practicing law. She had planned to retire on January 1, 1964 and to take another trip to England that year.

Manche Langley was so much loved that Queen's Bench started a memorial to her in 1963 by collecting contributions for a scholarship in her name. The scholarship, now at Northwestern School of Law of Lewis & Clark College, will be a lasting tribute to this most memorable woman.



Don't Forget to Order Your Queen's Bench 50th Anniversary Calendar

This handsome 16-month calendar (October 1997 through January 1999) features women who were central to the development of Queen's Bench. The cost is \$15, plus \$3 mailing and handling, with net proceeds going to the Manche Langley Scholarship Fund. Make your check out to Northwestern School of Law of Lewis & Clark College and send it to Mary Sweeney, 10015 SW Terwilliger Boulevard, Portland, OR 97219-7799. Visa and MasterCard are also accepted—phone (503) 768-6646.

Family Medical Leave Seminar Scheduled in November

On November 18 from 2:00 to 5:30 p.m., Oregon Women Lawyers and Tri-County Affirmative action will present a seminar on Family Medical Leave. The event takes place at the Standard Insurance Center auditorium in Portland and features Mary Beth Allen, Donna Sandoval, and Nancy King, with Helle Rode as moderator.

Fees for the seminar (\$45 for OWLS and Tri-County Affirmative Action members and \$55 for non-members) include substantial program materials. The program will cover an overview of the Oregon and federal family leave acts, as well as an update on legislative and case law changes. We anticipate receiving 3 hours of CLE credit for the seminar.

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