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500 Celebrate Roberts, Deiz Awards

By Rose Alappat

On March 9, 500 people gathered to celebrate the 20th annual Justice Betty Roberts and Judge Mercedes Deiz Awards. The awards were especially poignant as attendees remembered the passing of Justice Betty Roberts in June 2011.

This year, the Justice Betty Roberts Award was presented to Oregon Supreme Court Justice Virginia Linder, and the Judge Mercedes Deiz Award was presented to Multnomah County Circuit Court Judge Angel Lopez.

The sold-out Roberts-Deiz Awards Dinner was held for the first time in the elegant setting of the Nines Hotel Ballroom in Portland. The evening began with the OWLS Foundation's silent auction. OWLS members and friends enjoyed the new venue while socializing over drinks and spa packages. The celebration then transitioned to dinner, which began with a concert by the Aurora Chorus honoring OWLS' founders.

During dinner, OWLS President Heather Weigler thanked the dinner sponsors, including title sponsor Stoel Rives, and recognized the distinguished judges, political leaders, candidates for public office, and guests in attendance, including members of Betty Roberts's family.

The Judge Mercedes Deiz Award was then presented to the Honorable Angel Lopez. The award recognizes an individual who has made an outstanding contribution to promoting minorities in the legal profession and the community. The presenter, Multnomah County Circuit Court Judge Richard Baldwin, praised, among other accomplishments, Judge Lopez's early work representing Spanish-speaking clients and inspiring fellow Hispanic attorneys. Judge Baldwin quoted



Judge Angel Lopez and Justice Virginia Linder

Benton County District Attorney John Haroldson, one of many colleagues who wrote in support of Judge Lopez's nomination: "While I'm certain that Judge Lopez was not aware of the important role he played for me as a mentor, his influence became evident. I chose to remain in Oregon and with the beliefs inspired by Judge Lopez, I went

on to become Oregon's first Hispanic district attorney."

Judge Lopez developed his appreciation for the law during an especially chaotic time in his childhood. As a young child, he saw his neighborhood suffer through the Watts riots. He remembers the destruction of his local post office and library, and the helicopters enforcing curfew. He realized that even though he and his family lived in poverty, they still had something to lose. That experience, and early guidance from mentors, inspired him to become an attorney.

Judge Lopez has advanced the Oregon State Bar's diversity efforts by, among other activities, serving as one of the first directors of the OSB's Affirmative Action Program and joining the steering committee for the 2011 Convocation on Equality. As a judge, he aims to challenge stereotypes about the ability and ambition of people, especially children, who live in poverty.

During his remarks, Judge Lopez noted, "There are many people in this country who believe that poor people—and that minority people—are stupid and inadequate and get what they deserve. Standing before you tonight is a poor person, a person with English as a second language, who was given the opportunities and is not stupid, and

Continued on page 4

Q & A of candidates on pages 6–9

President's Message



Heather L. Weigler

Over the past year as OWLS president, I've learned a lot. Those lessons haven't always been easy, but I suppose nothing really worth learning ever is. I'd like to take this opportunity to share some of those lessons with you, to acknowledge the many teachers I've encountered along the way (some more nurturing than others, but all powerful educators), and to thank OWLS and its members for the opportunity to stretch myself and grow as OWLS president.

1. You can have it all, just not at the same time.

I had heard this before, but I never fully appreciated it until I became a mom. That happened two months before I became OWLS president, and, quite frankly, I don't know what on earth I was thinking. If I hadn't been able to negotiate for a reduced work schedule, hand off committee chair assignments, and lean heavily on others, I wouldn't have been able to make it all work, which leads me to lesson number two.

2. You can't do it alone.

Thank goodness for an active and engaged OWLS executive committee, an outstanding staff, an understanding boss, a supportive partner at home, and a host of incredibly dedicated OWLS members who volunteer their time and energy to support OWLS' mission. If I tried to thank everyone who deserves it, I would fill this whole newsletter, but I'd like to mention a special few. President-elect Megan Livermore often made trips up to Portland from Eugene to attend after-hours events so I could be home with my new baby. Cashauna Hill, Heather Van Meter, and Kate Wilkinson stepped in to lead the OWLS judicial work group, which has done remarkable work this past year to help our members seek judicial positions. Fall CLE committee co-chair Judge Jill Tanner and the Fall CLE committee members made it possible for me to spend the afternoon with Anita Hill and 300 OWLS members and make it home for baby bedtime. Amber Hollister, Stephanie Corey, and the members of the Roberts-Deiz Awards Dinner committee made my last public evening as OWLS president a smashing success. And Executive Director Linda Tomassi has done more for me this year than I can possibly recount in sentence form. Behind every great woman are lots of other even greater women, which leads me to lesson number three.

3. We are better together.

As you may have already gathered, this year was challenging for me in many ways. But it has also been indescribably rewarding. One of the most rewarding moments was also the most difficult, requiring me to navigate a difference of strong opinions on a topic of great importance to our organization and our mission. I learned from that experience that many small voices can be louder than a bully pulpit, but that the key is speaking as one.

That is why I believe in OWLS and its mission. This organization has supported women and minority lawyers' efforts to accomplish great things in Oregon, and I'm proud to be a part of a legal community that listens to our voices. There is still much work to do to transform the practice of law and ensure justice and equality by advancing women and minorities in the legal profession, but I am thankful to have been a part of advancing that mission over the past five years. I look forward to our future adventures together, and I wish the best of luck to our incoming board and president!

Heather L. Weigler
President, Oregon Women Lawyers

OWLS Members in Contested Races

Please see pages 6–9 for information on the candidates for position 3 on the Oregon Supreme Court and the candidates for attorney general, all of whom are OWLS members.

The following OWLS members are running in other contested races.

Timothy Volpert is in a three-way race for a seat on the Oregon Court of Appeals, position 6.

Beth Bagley, a supervising attorney in the Deschutes County District Attorney's Office, is in a three-way race for a seat on the bench in the 11th district, position 2.

J. Channing Bennett, a shareholder with Garrett Hemann Robertson in Salem, is in a two-way race for a seat on the bench in the third district, position 11.

Victory Walker, an attorney with Southern Oregon Public Defenders, is running for a seat on the bench in the 14th district, position 2, against one challenger.

Congresswoman Suzanne Bonamici (D) is the incumbent in the race to represent Oregon's first congressional district. She does not face an opponent in the May Democratic primary, but will face the winner of the Republican primary in the November general election.



Rep. Suzanne Bonamici,
an OWLS member

Secretary of State Kate Brown (D), has two challengers for her position, one Democrat and one Republican.

Beth Heckert, the chief deputy district attorney in the Jackson County District Attorney's Office, is in a three-way race for Jackson County district attorney.

Two of the four people running for state representative in the 36th district are OWLS members. Sharon Meieran, MD, JD (D) is an emergency physician, and Jennifer Williamson (D) is a lawyer working for an international education research nonprofit. Another Democrat and a Republican are also running for the position.

Our mission is to transform the practice of law and ensure justice and equality by advancing women and minorities in the legal profession.

The Oregon Women Lawyers Workplace Leader Award

Nomination Deadline Is June 1, 2012

We believe that law as traditionally practiced has included barriers to the advancement of women and minorities and has not always been a friend to those seeking a healthy, balanced life. We seek to encourage and celebrate change that will eliminate those barriers and imbalances, and we expect the profession will be stronger as a result.

While most legal employers agree in concept that such changes are needed, many disagree on how to achieve these goals. How can legal employers help parents of small children avoid losing the momentum in their legal careers to become leaders in the profession? How can part-time employment work for both employer and employee? How can legal employers promote effective mentoring relationships? What can they do to attract and retain qualified women and minority lawyers and equip them for leadership? How can they value contributions to the organization that are not captured by the usual quantification tools, such as billable hours?

The Workplace Leader Award

The OWLS Workplace Leader Award recognizes a legal employer making innovative and effective efforts to promote one or more of the following values:

- a healthy balance between work and life;
- acquiring and maintaining a diverse workforce with diverse leadership; and
- maximizing opportunities for women and minorities to succeed in the workplace and advance to positions of influence and leadership.

We are not looking for an employer to exemplify all of these virtues. Rather, the award will recognize a specific program, policy, or project that is successfully addressing one or more of the concerns outlined above. We particularly want to encourage applications from in-house legal departments, government employers, and employers who are making strides in recruiting and retaining women and minority lawyers and equipping them for leadership.

In 2011, the award was presented to Buchanan Angeli Altschul & Sullivan for its focus on a healthy balance between work and life; acquiring and maintaining a diverse workforce; and maximizing opportunities for women and minorities to succeed in the workplace and advance to positions of influence and leadership.

The 2012 recipient of the OWLS Workplace Leader Award will be honored during OWLS' Fall CLE.

Nomination Information

Nominations should include the following: information that will help the award committee evaluate the specific program, policy, or project of the employer; the markers of success for that program, policy, or project; and names of people who can be contacted for further information.

Nominations must be received via email by 5 p.m. on June 1, 2012, and should be sent to the OWLS transformation committee chair, Dana Forman, at danaformanlaw@gmail.com.

OWLSNet Event

By Gina Eiben

OWLSNet held its annual networking event for lawyers, bankers, and accountants on February 1 at the Hotel Monaco in Portland. Sponsored by OWLS, the Oregon Society of CPAs, and the Oregon Bankers Association, the event attracted a record number of people.

Sari de la Motte, the founder of Forte (fka Nonverbal Solutions) delivered the keynote address, titled "Turn Up the Volume: Access Your Inner Rock Star." Sari captivated the audience with an entertaining and informative discussion on how to use nonverbal intelligence to be yourself while accommodating the communication style of your audience.

Members of the participating organizations then enjoyed networking with one another. Made possible by Tonkon Torp, this was a great event for litigators and transactional attorneys alike.

The OWLSNet committee plans inter-professional networking events in conjunction with OWLS chapters in Eugene, Bend, and Portland.

Gina Eiben, an associate at Perkins Coie in Portland, serves on the OWLS board.



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Roberts, Deiz Awards

has taken those opportunities to be a circuit court judge for Multnomah County. And it's not just me . . . there are hundreds of thousands of deserving minority kids who don't know how far they can get in life unless someone is willing to extend a hand to them, to mentor them, to tell them it is possible—yes, it is possible." He concluded by challenging the audience to work for diversity and inclusion.

Next, Heather Weigler introduced a video in tribute to Justice Betty Roberts, who passed away last year. Heather said, "I don't mean to sound dramatic, but she changed my life," adding that "there are so many people here who could say the same." The video highlighted Betty's influence on the Oregon legal community in general, and the ways she mentored and inspired individual attorneys, judges, political leaders, and friends.

After the tribute, J. Nicole DeFever presented the Justice Betty Roberts Award to Justice Virginia Linder. The award recognizes an individual who has made an outstanding contribution to promoting women in the legal profession and the community. Nicole began her remarks by stating, "We all have something in common, every one of us in

this room. We all stand on the shoulders of giants. We stand on the shoulders of parents, of teachers, of mentors. We are all standing on Betty's shoulders. We all see farther and accomplish more because Betty's actions created a better and more equal world." Nicole observed that we are also standing on the shoulders of Justice Linder.

In her remarks, Nicole emphasized her appreciation for Justice Linder's personal friendship, as well as her admiration of Justice Linder's professional accomplishments, which include being the first woman to represent Oregon before the United States Supreme Court, the first woman to earn a seat on the Oregon Supreme Court through a contested election, and the first openly lesbian judge on a state supreme court in the United States.

Justice Linder has also actively contributed to several organizations in the state, including the OSB's Opportunities for Law in Oregon program, the Oregon Gay and Lesbian Law Association, and OWLS.

Justice Linder expressed her gratitude at receiving an award in honor of Justice Betty Roberts, someone who offered Justice Linder guidance and support

continued from page 1



At the event, from left, top: Charles Markley, Julia Markley, Lisa Hunt; bottom: Aruna Masih, Cristina Sanz



Photos by Jodee Jackson

throughout her legal career. She said, "Because I followed Betty Roberts onto both appellate benches, because I knew Betty, and because Betty had an amazing influence on me personally and my success in becoming a judge, this award means more to me than I can possibly say."

Justice Linder described her experience, when she started practicing law, of being the only woman in the courtroom and seeing Betty on the bench, giving her a sense of legitimacy in the courtroom. Justice Linder showed photos marking various milestones for women on the bench in Oregon, and noted that Betty played an instrumental role in helping reach those milestones. She stated that Betty's most lasting legacy is the women who followed her onto the bench, and that she never stopped being the torchbearer, and lighting the way for others.

"This is a particularly poignant year to be receiving this award," Justice Linder said. "This is the 20th annual awards dinner for OWLS, the 20th Roberts Award, but as we all know, this is also year one—it is our first year without Betty. Without Betty here to coach us forward and cheer us on. But Betty's legacy is all around us . . . she changed the face of Oregon's judiciary . . . by helping found OWLS, she helped change the face of the entire Oregon bar. We are not without Betty any time we gather together." Justice Linder closed by encouraging us to keep passing the flame: "Betty wouldn't want it any other way."

The new venue and inspiring award recipients provided a memorable celebration of the 20th anniversary of the Justice Betty Roberts and Judge Mercedes Deiz Awards.

Rose Alappat is an associate in the business group at Perkins Coie in Portland.

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*Many thanks also to our volunteer
photographer, Jodee Jackson, and
to outgoing Roberts-Deiz commit-
tee co-chairs Amber Hollister and
Stephanie Corey.*

OWLS Foundation Auction

On March 9, as part of the OWLS awards dinner, the Oregon Women Lawyers Foundation once again hosted its annual auction, raising approximately \$10,000. The live auction, which took place during dinner, generated competitive bidding due to the splendid performance of the auctioneer, JillMarie Wiles, and her on-site assistant, Emily Christensen, a Lewis & Clark law student and OWLS Foundation Armonica Grant recipient.

Top donors and bidders included Folawn Alterman & Richardson, Bullard Smith Jernstedt Wilson, Trudy Allen, Kendra Matthews, Sarah Matthews, OWLS chapters across the state, and many local restaurants and vendors. The Foundation sincerely thanks all donors and bidders for supporting its mission to promote access to justice for women and minorities.

Moves on Oregon's Appellate Courts

By Susan Evans Grabe

The May 15 primary will feature elections of significance to the justice system. Chief Justice Paul De Muniz decided not to run for another term; he is stepping down as chief justice in May 2012, but will serve on the court until his term expires in January 2013. Justice Thomas A. Balmer, who has served on the Oregon Supreme Court since 2001, was selected by his fellow justices to become the next chief justice of the Oregon Supreme Court. Chief Judge David Brewer is the unopposed candidate for the seat vacated by Chief Justice De Muniz on the Supreme Court.

Justice Robert Durham has also announced that he will retire in January 2013, at the end of his term. Three candidates, all OWLS members, are running for his seat: Multnomah County Circuit Court Judge Richard Baldwin; Nena Cook, of Sussman Shank; and Oregon Court of Appeals Judge Timothy J. Sercombe.

With Court of Appeals Chief Judge David Brewer running for a seat on the Supreme Court, the court has announced that the chief justice will appoint Judge Rick T. Haselton as the new chief judge of the Court of Appeals. Three candidates are running for the Court of Appeals seat vacated by Chief Judge David Brewer.

If a candidate in these nonpartisan elections receives over 50% of the votes in the primary, that person wins the seat. If no one receives a majority, a run-off election will be held in November between the first- and second-place finishers.

Susan Evans Grabe is the public affairs director at the Oregon State Bar.

Most people who renewed or joined OWLS at an enhanced level were listed in the last issue. Our thanks also to these additional members:

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Nena Cook Pamela Knowles
Jenny Cooke Linda J. Larkin
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Candidates for Supreme Court Answer Questions

Three OWLS members are running for position 3 on the Oregon Supreme Court, the seat from which Justice Robert Durham will retire in January. Several weeks ago, OWLS sent five questions to the three candidates, Judge Richard Baldwin, Nena Cook, and Judge Timothy J. Sercombe. The questions and their responses are printed here. You'll find more information about the candidates on their websites. Ballots for the primary election are due May 15.

OWLS' Questions

1. What do you believe is the biggest challenge facing the court system, other than budget issues?
2. Do you have any ideas for improving the systems or administration of justice at the Supreme Court?
3. What effects do you see as flowing from the decision in *State v. Rodriguez*, holding that a Measure 11 mandatory-minimum sentence was a cruel and unusual punishment?
4. What ways do you believe the Supreme Court as an institution could work to increase the promotion and retention of women and minority law students and lawyers in Oregon?
5. What diversity would you add to the Supreme Court?

Dragonflies Ready

The OWLS Dragonflies practiced through the winter to prepare a large class of new paddlers for what promises to be an exciting race season. The team will race this year in the Portland Rose Festival Dragon Boat Race, held on June 9 and 10, and the Portland Dragon Boat Race, held on September 8 and 9.

The balance of the 2012 race season will be spent paddling in Tacoma and Kent, Washington, on May 12 and July 14, respectively, and at the annual Dragon Boat Festival in Victoria, BC, on August 18 and 19.

Both Portland races take place at Tom McCall Waterfront Park, and cheering spectators are always appreciated.

For information about sponsorship opportunities, please contact sponsorships@owlsdragonflies.org. Go 'Flies!

Judge Richard Baldwin Responds

1. Our biggest challenge is on the criminal side: How can we effectively do our part to decrease recidivism and avoid harm to victims of crime when alcohol and drug addiction contribute so substantially to criminal conduct? Funding for treatment programs for offenders is neither included in court budgets nor adequately provided for in our communities. The enormous demands on our court system attributable to the unmet need for treatment by criminal offenders not only compromise public safety—they compromise the ability of our courts to provide public service on the civil side.

2. I have substantial experience with strategic planning and with innovative projects. I chaired our Judicial Outreach Committee and the Jury Orientation Committee, and served on the Presiding Judges Advisory Committee. I also helped to create a drug treatment court and our mental health court. On the Supreme Court, I would assume a strong leadership role with respect to court and bar initiatives such as pro bono, professionalism, access to justice and other improvements as approved by the Chief Justice.

3. *State v. Rodriguez/Buck* held that the imposition of a mandatory Measure 11 sentence of 75 months was excessive and violated the proportionality requirements of Art. 1, section 16 of the Oregon Constitution as applied to the facts of those cases. The cases involved isolated incidents of sexual touching of juveniles by adults when the individuals involved were clothed, with no evidence of physical injury or harm. These cases clearly presented a very close call on where to draw the line between the limits of legislative power and the protective principle of proportionality of sanctions under Art. 1, section 16. My impression is that the reach of *Rodriguez/Buck*, a 4–3 split, would appear to be limited based on the unique factual circumstances presented and the legislature's authority generally to determine appropriate criminal sanctions. Of course, the legislature may choose to modify our criminal laws to lessen the severity of sanctions in such cases.

4. The institutional changes we desire will result from lawyers and judges

working for positive change within their spheres of influence. While the responsibility for change rests on all of us, our Supreme Court, OSB, MBA, law firms, etc. must continue to assume leadership roles. I have

seen significant improvement by our courts in the hiring of women and minority law clerks and the adoption of mentorship programs encouraged by the bar and Chief Justice. Recently, our Supreme Court Justices sent an important message by participating in the Equality Convocation in Portland.

As an Associate Justice, I would suggest a joint initiative with our Court, the OSB and law firms to focus attention on these promotion and retention issues. This could include a voluntary reporting project for law firms to create reliable information on how law firms are doing on these issues on an ongoing basis with recognition of law firms when successful. From 1998 to 2002, I served as chair of OJD's Access to Justice for All Committee. When resources permit, I anticipate this committee will become operational again to focus attention on access and inclusion issues.

5. I believe my unique experience, interests and talents would broaden and strengthen our Court. First, I come from a relatively low economic background. I understand how poverty and inequality impair the ability of individuals to thrive in our communities. My extensive work with legal services programs has served to deepen that understanding. Second, our Supreme Court does not include a sitting Justice with prior experience as a trial judge. My 25 years of trial experience as a judge and trial attorney would bring a valuable perspective to the Court. Third, I have passionately worked for a more inclusive legal profession and to increase access to justice throughout my legal career and I will continue to do so as an Associate Justice. ♦



Judge Richard Baldwin

Nena Cook Responds

1. The implementation of its strategic plan is the biggest challenge facing the court system. We must never lose sight of the fact that the court system serves the people of Oregon and that timely dispute resolution through a well-managed system makes a difference in people's lives. Effective management is not solely tied to the budget, but rather takes commitment, attention to detail, and an effective use of resources.

2. We need to continue the implementation of Oregon's eCourt so that Oregonians have access to this 24-hour courthouse. When it is fully implemented, eCourt will cut down dramatically on the use, filing and storage of paper records while increasing access to the system for judges, attorneys, and Oregonians using the system. Oregon eCourt improves both access to justice and administration of justice, both key components of the justice system's mission and values.

3. In *Rodriguez*, the Supreme Court applied a three-part test to determine that a Measure 11 sentence was not proportionate to the crime. The *Rodriguez* court held that the criminal penalty imposed by the lower court violated Article I, Section 16 because the penalty was unconstitutionally disproportionate to the offense.

I believe district attorneys will continue to prosecute appropriate cases as Measure 11 offenses, but as a result of this decision, courts, prosecutors and defense attorneys will now be guided by the three-part *Rodriguez* test. This decision may lead to legislative changes in Measure 11 that could give judges more discretion in sentencing of all second degree Measure 11 offenses and non-forcible first degree sexual abuse cases.

4. When I was president of the Oregon State Bar in 2005, we established the OSB Leadership College in an effort to encourage participation and increase opportunities in the bar for women and lawyers of color. The college was instrumental in increasing the number of women and lawyers of color who were appointed to committees, recognized with OSB-sponsored awards, and selected as authors for OSB publications.

The Oregon Supreme Court can continue the work of the Leadership College in at least two ways.

First, the judicial branch of our government must reflect the rich diversity of the people of Oregon. Otherwise, it runs the risk of losing the public's trust and confidence. I believe our state's highest court should be comprised of justices of different genders and from different backgrounds, both professionally and personally.

Second, the Court should continue and strengthen its outreach to the bar's specialty groups and law schools. When lawyers and law students see what the Court does and how it functions, they feel more connected to our Oregon legal community. In addition, when individual justices mentor young lawyers or speak at the law schools, they can guide and encourage them to find their voice and their place in our profession.

5. Not only would I bring a broad set of legal experiences to the Court, but I also would bring a different perspective to the Court. I have extensive civil law trial experience with my more than 20 years in private practice and criminal law experience through working in the Marion County District Attorney's Office. I bring substantial appellate experience in that I have had cases in the Oregon Court of Appeals, the Oregon Supreme Court and the Ninth Circuit Court of Appeals. Since 2007, I have gained judicial experience serving as a pro tem judge.

In addition, just two of the seven justices on the court are women, and as a gay woman, I believe my perspective would add value to the Court. I come from very humble beginnings that left a profound and deeply felt appreciation for how access to justice can make a difference in the lives of children as it did in my life.

I would bring to the bench my appreciation for the value of all people, a commitment to diversity and passion for the rule of law. ♦



Nena Cook

Judge Timothy J. Sercombe Responds

1. Our state needs to complete the Oregon eCourt project (webportal access to any court for filing, information and services, payments, court documents and case

records; web-based services including multi-lingual guides, court forms, and self-help centers; video technology; standardized business practices).

Oregon eCourt is the only way for the judicial branch to effectively operate with less funding. It is also critical for ensuring access to justice for self-represented parties and the disadvantaged. Oregon eCourt will facilitate better case management, judicial administration, and public accountability, and will improve the fairness and timeliness of the justice system.

2. It would be presumptuous for me to advocate for specific reforms prior to becoming a member of the Court and collaborating about these issues with my colleagues. Some areas that are worthy of study include: use of a three-judge panel to consider various matters (e.g., screening petitions for review, deciding ballot title cases, or deciding certain motions) with the opportunity of full Court review of those decisions; regulating the format and marking of electronically filed briefs to assist the reader; coordination with the Court of Appeals on designating lead cases on remands; allowing a greater number of cases to be considered at conference; more video recording and broadcasts of oral arguments; and more court sessions in the high schools.

I am also interested in evaluating the merits of regular performance evaluations (on a court-wide basis and not of individual judges) of both appellate courts and the bench in each of the



Judge Timothy J. Sercombe

Continued on page 9

Candidates for Attorney General Answer Questions

Two candidates are running for Oregon attorney general, both Democrats and OWLS members: Dwight Holton and Ellen Rosenblum. Because no Republican is running for the position, the winner of the May Democratic primary will be Oregon's next attorney general.

In February, OWLS sent the candidates several questions; those questions and their responses are printed here. Ballots are due May 15.

OWLS' Questions

1. As attorney general, how will you ensure that the rights of minorities and vulnerable Oregonians are respected?
2. As a lawyer, what professional experience had the biggest effect on you, and on your career?
3. The work of the Oregon Department of Justice involves many different areas of civil, administrative, and criminal law in both Oregon and federal courts. How has your background and experience prepared you to oversee the legal work of the various divisions (Trial, Appellate, Civil Enforcement, Child Support, General Counsel, Crime Victims, and Criminal Justice)? Have you ever represented an individual in a claim against the state of Oregon or other governmental entity?
4. What are the most important legal issues affecting Oregonians today?
5. If elected, how do you plan to balance your duties to the state and federal governments with your duty to serve the people of Oregon? Do you foresee potential conflict in this realm?

Josephine County News

On February 29, the Josephine County chapter of OWLS and the Josephine County Bar sponsored a photo shoot of all the attorneys in Josephine County. The photo was taken on the front steps of the Josephine County Courthouse. About 70 attorneys and judges, both active and retired, were present—which is almost everyone in the Josephine County Bar.

The last time a photo of all of the attorneys was taken was in 1975, and there are no women in the photo. In this year's photo, approximately one quarter of the attorneys, and one of the four judges, are women.

Dwight Holton Responds

1. Three priorities: I will fight to expand the Oregon Department of Justice's new civil rights program, which has already done important work standing up for minorities and vulnerable Oregonians. Second, I will be a tireless advocate for diversity—both in the office and in the community—because one of the most potent ways to end discrimination and protect rights is to foster cross-cultural understanding. Third, I will vigorously defend reproductive rights and women's access to health care—which are currently under siege nationally and here in Oregon.

I have a track record on these priorities. When I was US Attorney:

- I built a civil rights program that fought discriminatory landlords and predatory landlords, and last June, I launched an investigation into the use of force by Portland police officers.

- I led on diversity, both in the office and in the community. When I started, we had one woman section chief in the US Attorney's Office—I appointed three new women to this role, so when I left, four out of seven section chiefs were women.

- We launched a series of events—co-hosted with OWLS and others in the diversity and civil rights bar—to foster diversity and make sure the US Attorney's Office staff was working in the community with people from diverse backgrounds.

2. As US Attorney, I learned the tremendous capacity for statewide leaders to bring people together to get things done. The case of an eleven-year-old named Scooter is a good example. Scooter struggles with autism, and for years his mom and dad had fought their local school system to get the school to let his service dog go to class with him—and for years, the school resisted. We were on the verge of launching litigation—but it would have taken years that Scooter couldn't wait. So I sat down with the school superintendent, and got them to give the dog a try—the trial worked, and the dog now goes to school with Scooter, and it's had a life-changing impact for him. Leadership and an eye for problem solving have endless potential in a job like Attorney General.

3. As US Attorney, I managed a large law practice which, like Oregon DOJ,

has offices statewide, a large attorney workforce and a multimillion dollar budget. I managed teams of folks handling many of the same types of work as the AG—

including trial, appellate, criminal, civil and crime victims work. During my 15 years as a prosecutor, I led investigations on cases including murder, environmental crimes, fraud, drug trafficking and child predators.

I have spent my entire legal career fighting to hold powerful interests accountable to achieve justice—and that is the most important job of the Attorney General and the Oregon DOJ.

I have not represented an individual in litigation against the state; however, as US Attorney I supervised a federal civil rights investigation into the state's mental health system.

4. The top priority for the Attorney General should be making communities safer and stronger. The key legal issues: protecting homeowners and consumers from bank, credit card, and insurance fraud and abuse; making drug abuse treatment and prevention a priority—because the best way to achieve public safety is by preventing crime in the first place; enforcing civil rights and standing up for vulnerable Oregonians; protecting the environment by holding environmental criminals accountable.

5. The Oregon Attorney General works for the people of Oregon, and the job is to enforce the law. As AG, I will work to use the law to protect Oregonians from crime, consumer rip-offs and other powerful interests that look to take advantage of middle class families.

If an agency is in conflict with the interests of the people, it is the Attorney General's job to resolve that conflict—because the agencies work for the people. ♦



Dwight Holton

Ellen Rosenblum Responds

1. We need an AG who will stand up for the people and be an outspoken voice on their behalf while ensuring the Oregon Department of Justice always conducts itself according to the highest standards of professionalism and ethics, acting as a model for the entire legal profession. The AG should have a deep understanding of and experience with both criminal and civil state law and of the rights and needs of the diverse citizens of our state. With over 30 years in Oregon's legal community—as a small-firm lawyer, a prosecutor, a trial and an appellate judge—I am the candidate with that background.

I have spent my 36-year legal career advocating for and promoting diversity and inclusion in the legal profession, and I will bring that experience to DOJ. A DOJ that understands and reflects the populations it serves will do a better job of protecting the rights of all Oregonians. I will also have a zero-tolerance policy for workplace harassment, and I will demand that DOJ treat its own employees, litigants, and opposing counsel with professionalism and respect.

2. I sought appointment to the trial bench in part because of my commitment to diversity on the bench. At the time, there were very few women judges, and, although it was hard for me to leave my work as a prosecutor, I felt compelled to try to change that. As an advocate for diversity and inclusion, I know how important it is to have women and minority attorneys represented in all aspects of our profession. I hope to have the opportunity to apply my breadth of experience to serving as Oregon's first woman AG.

3. I've both represented and opposed the government, and I have experience with every kind of case handled by DOJ. I've been a federal prosecutor on cases involving violent and financial crimes, including a case that resulted in both criminal convictions and what were at the time the largest civil penalties in our nation's history. I'm proud of my federal service, but I know Oregon's courts inside and out. As a small-firm lawyer in Eugene, I served as a court-appointed attorney for criminal defendants and at-risk children and families, and I represented individuals and small businesses. As an Oregon

trial and appellate judge, I presided over cases dealing with every aspect of our state laws. I recognize the importance of our state courts to the lives of Oregonians, because I have seen first-hand what a difference they can make.

4. We need robust enforcement of our criminal laws, child welfare laws, and consumer protection laws to ensure that Oregonians are protected from predators and unscrupulous companies, but we can't do that without functioning courts. We need successful, well-funded schools, but we can't do that without being willing to look at our public safety system to determine whether we are using resources in a way that makes sense. We need to invest our scarce resources to ensure Oregonians are protected from crime and exploitation while being provided with the opportunities and services they need to succeed. We need an AG who will help our state make tough choices about priorities based on evidence, and I have the experience to do that tough job.

5. I see the AG as the lawyer for the people, advocating for and protecting our children, seniors, and vulnerable citizens. To do that, we need not only to enforce our laws, we need to ensure that our state agencies have the legal advice and representation they need to do their jobs. To best serve the citizens of Oregon, the AG must maintain excellent relationships with its client agencies and other governmental entities. I am an experienced consensus builder, and I understand that we rise and fall together. That experience and understanding has prepared me to navigate the different aspects of serving as Oregon Attorney General, and I hope you will support my candidacy. ♦



Ellen Rosenblum

Judge Sercombe, a Candidate for Supreme Court, Responds

continued from page 7

judicial districts. The evaluations would be done by practitioners before those courts.

3. The opinion in *State v. Rodriguez/Buck*, 347 Or 46 (2009), concluded that the sentences in those cases violated the proportionality guarantee of Article I, section 16 of the Oregon Constitution. It is not appropriate for me to comment on the future application of *Rodriguez/Buck* in future cases. Suffice it to say, the Court cautioned that a constitutional violation would be found only in a "rare circumstance" and subsequent Court of Appeals cases have heeded that caution. See, e.g., *State v. Alwinger*, 236 Or App 240 (2010), *State v. Baker*, 233 Or App 536 (2010), and *State v. Shaw*, 233 Or App 437 (2010).

4. The Court should consider adoption of aspirational goals for hiring minorities as staff members, externs, staff attorneys, and law clerks. The Court should adopt a strategic plan each year for outreach to minority communities, particularly in high schools in communities with large Hispanic populations and law schools. That plan would include sittings in the schools, invitations to students to otherwise attend oral arguments and lunch with the justices, and goals and actions to establish mentoring relationships with the justices. Those programs could involve OHBA and other groups. The high school sittings would include discussions in classrooms before and after the arguments.

5. I would bring some diversity of experience in the important areas of local government and land use law to the Court. I am partially disabled (no sight in one eye and limited vision in the other) and that experience has given me sensitivity to persons with vision or other disabilities. I am an inclusive person, and would reach out to minorities and socio-economically disadvantaged persons to include them in the Court staffing and processes. ♦

VOTE!

Courts Honor Justice Betty Roberts

By Justice Virginia Linder

On February 16, the Oregon Supreme Court and the Oregon Court of Appeals held a Memorial Tribute to honor Betty Roberts, the first woman to serve on both courts. Just as Betty's appointments to those courts broke convention, so too did the tribute.

When the tribute began, the robed judges who entered to take the bench were not the current members of the two courts. Instead, they were nine of the ten women judges who have followed Betty on to the appellate courts. Seated in front of the bench, facing the audience, were 26 current and former women state trial court judges, also robed for the ceremony. As the artist commissioned to create Betty's portrait (Lynda Lanker) later said, "Seeing that bench full of women judges, and rows more seated in front, was just so very powerful a statement, before a word was ever spoken." And so the tribute began: with a visual celebration of Betty's most lasting legacy—the diversity of Oregon's bench.

Justice Martha Walters presided. Both Chief Justice De Muniz and Chief Judge

Brewer welcomed the packed courtroom of family, friends, officials, and colleagues who attended. Dian Odell, Betty's eldest daughter, followed as a first speaker, with a powerful narrative of Betty's life—from her childhood during the Great Depression, through law school, into politics, and onto the bench.

Marjorie Speirs, who clerked for Betty, talked about what made Betty "exactly the right woman" to be the first woman on the two courts and about Betty's influence on those fortunate enough to work with her. Several women judges spoke (former Chief Judge Mary Deits, Circuit Court Judge Merri Souther Wyatt, Judge Darleen Ortega, and I), describing the ways that Betty broke judicial barriers and then, through tireless personal effort, encouragement, and hands-on help, made sure other women followed.

For those at the tribute, the spirit of celebration was tangible and the hour-long ceremony sped by quickly. You can experience some of that spirit by replaying the webcast of the event (at <http://courts.oregon.gov/Supreme/>).

Plan to join us next year to celebrate Betty's 90th birthday (February 2013) with the installation of her portrait in the Supreme Court building. Look for an article in the next newsletter about the portrait and the artist who will create it.

Justice Virginia Linder sits on the Oregon Supreme Court and is this year's recipient of the Justice Betty Roberts Award.

Queen's Bench Mixer

By Julie Lohuis

Queen's Bench and the Lewis & Clark Women's Law Caucus held their annual mixer on February 29, this time at the Portland offices of Stoel Rives, which generously hosted the event.

Nena Cook, president of the Oregon State Bar in 2005 and a partner at Sussman Shank, spoke to the audience about professionalism and why it is so important, especially early in one's career. She explained to the law students that what they do now to build their reputation for professionalism matters.

Thanks to all who helped make this annual event a success.

Julie Lohuis is a partner at Yazzolino & Lohuis in Portland.

Leadership Forum

By Talia Stoessel

The OWLS Leadership Forum presented a session about dealing with stress on January 26 and a session about marketing on February 23. Both events were held in Portland.



Jaya Krupp (left) and Talia Stoessel

Jaya Krupp, a certified personal trainer, led the "Kick Stress!" workshop, hosted by Harrang Long Gary Rudnick. The group participated in light stretching and intentional breathing and discussed the daily demands that often keep us from our fitness and health goals. Participants shared creative strategies for striking a healthy balance and reigniting passion for favorite stress-relieving activities.

The message that seemed to resonate most was that making time to participate in stress-reducing activities that promote fitness and health is not selfish in a negative way but actually helps us reach our highest potential, which in turn has a positive impact on every aspect of our lives.

Markowitz, Herbold, Glade & Mehlhaf (MHGM) hosted the presentation titled "Marketing Tips for New and Solo Practitioners and Contract Attorneys." Karie Trujillo, director of marketing and client relations at MHGM, and Marjory Morford, marketing director at Dunn Carney Allen Higgins & Tongue, tailored a lively and informative presentation to the interests of those attending.

Karie and Marjory discussed their top-ten tips, including how to set attainable goals, build effective mentor relationships, develop an industry niche, maintain organized contact lists, improve networking skills, reward referrals, and continue one's personal education. They also discussed creating and updating a professional online presence through a variety of social media. Lastly, they emphasized the importance of celebrating minor and major accomplishments in order to keep the joy alive in what we do.

Talia Stoessel currently works as a temporary attorney/law clerk with the Office of Metro Attorney in Portland while seeking permanent legal employment.



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Oregon's first annual legislative session in an even-numbered year began February 1 and was slated to run no more than 35 days—and it felt more like a sprint from beginning to end, rather than a run. It ended March 5, one day short of the constitutional limit approved by voters in 2010. The session began with an evenly divided House and a shared-power arrangement with Co-speakers Bruce Hanna and Arnie Roblan; the Senate was split, with 16 Democrats and 14 Republicans. Oregon lawmakers provided mortgage-foreclosure protection for homeowners, enacted the governor's healthcare transformation and early childhood education priorities, and rebalanced the state budget, after facing an additional \$35 million shortfall, which they addressed by reducing the ending balance.

At the end of the 2011 legislative session, the legislature balanced the 2011–2013 budget based on 2011 revenue forecasts. At that time, the legislature held back 3.5% of most executive agency budgets, as well as the same portion of the judicial branch budget, as a hedge against further deterioration in the state's fiscal condition. This request was made with the knowledge that we would be returning to the Capitol in 2012 to reassess the 2011–2013 budget.

Although the judicial branch did not get all of its 3.5% (or, \$11.5 million), it did get some relief, in large part due to the leadership of lawyer legislators. Ways and Means Committee co-chair Dennis Richardson was instrumental in orchestrating funding for the courts, with considerable effort from Rep. Wally Hicks, who played a key role on the Public Safety Subcommittee of Ways and Means, as well as Representatives Chris Garrett and Matt Wand on the House Judiciary Committee and Senator Floyd Prozanski, chair of the Senate Judiciary Committee.

Their efforts were buttressed by the work of the Coalition for Stable Court Funding, a coalition of legal groups, businesses, and business associations working together with the bar and the judicial branch to oppose any further reductions to the judicial branch budget for 2011–13. Coalition members worked to persuade legislators that the courts should get the 3.5% and not be subject to any further cuts, contending that the judicial branch is a core function of government that businesses rely on for the prompt resolution of disputes, families rely on to work out difficult issues, and the public relies on for maintaining safety. The courts are



By Susan Evans Grabe

constitutionally required to resolve cases completely and without delay, but they have no mechanism by which to regulate the number and complexity of the cases presented for resolution. In addition, a substantial part of the branch budget—judicial salaries—cannot constitutionally be reduced. Legislators seem to have heard the lawyers, judges, and businesspeople who talked with them about the importance of the judicial branch as a core function of government.

The bill that rebalances the state's budget for 2011–13 also appropriates additional general-fund dollars to the Judicial Department, partially offsetting the \$11.5 million reduction made to the department's budget at the end of the 2011 session. The additional appropriation covers mandated expenses including judicial salaries, juror payments, and

court interpreter expenses. In addition, the legislature included a \$1.1 million appropriation to the Emergency Board for court operations; the court will likely appear before the E-Board in May with a request for use of those funds.

In addition, the legislature:

- Authorized specialty courts to spend \$1.7 million in grants, which will offset some impact of general-fund reductions.

- Authorized Multnomah County to use certain funds to buy furniture and equipment for the East County Courthouse.

- Authorized \$13.7 million in bonding authority for Oregon eCourt, in addition to the \$6 million authorized in the 2011 session, and appropriated \$2.9 million for debt service from the general fund. The Oregon eCourt project thus emerges from the 2012 session very much intact and on track to roll out as planned. Yamhill County Circuit Court will be the first to implement the comprehensive Oregon eCourt system, in June 2012, followed by Jefferson/Crook, Jackson, and then Multnomah Counties.

Information on how you can advocate for adequate funding for Oregon's courts is available at <http://court.funding.homestead.com/Court-Funding.html>.

Susan Evans Grabe is the public affairs director at the Oregon State Bar.

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Meet Circuit Court Judge Judith H. Matarazzo

By Mary Anne Anderson

Judith H. Matarazzo started her working life at the age of 12 cleaning ovens in a university kitchen. Fast forward a few decades, and she now finds herself a Multnomah County Circuit Court judge, elected five years ago amid a slate of nine other lawyers in a bid to fill the position vacated by the death of Judge Clifford Freeman. Although that election was a process she "would prefer not to repeat," she loves her work and finds inspiration from many of the people who appear before her. As she explains it, "There are those who take the heart out of you and there are people who put it back. On the bench I experience both almost daily."

Judge Matarazzo's life story is one filled with change. Change in location of family residences—born in Nashville, Tennessee, her "large southern family," including her three sisters, had lived in four different cities by her tenth birthday. Change in college majors—she went from art history to philosophy to political science, and finally earned a bachelor's degree in history and political science at Hamline University in St. Paul, Minnesota. Change in outlook inspired by a change in health—with a lengthy recovery from a bout with cancer in 2001 came the

realization that she wanted to consider a vocation as a judge.

Spurred on by visits to see her parents in Oregon, Judge Matarazzo decided to attend law school; she obtained her JD from Willamette in 1984. She then entered private practice, where she remained until her election to the bench. She enjoyed those years, when the bar was small and practicing law was like being part of a large family, and more seasoned lawyers helped those new to the practice.

Her advice: "The practice of law is more enjoyable when you practice with people you can trust. Be that person! Listen, listen, and listen some more. And finally, admit what you don't know."

The mother of a Willamette University freshman, Judge Matarazzo is dedicated to children's issues. Although she has never practiced family or juvenile law, she spent several years on the Oregon Commission for Children and Families, and she now sees firsthand what happens when early child care and education are neglected. She sits on the board of Child Care Aware, a national organization that advocates for affordable, quality child care.

On the bench, Judge Matarazzo

also sees people who are committed to real change in their lives despite hardships suffered from an early age, and she knows that a kind word can go a long way. She recounts

the story of one young man who appeared before her in the DUI Intensive Supervision Program. Sober for a year, he became emotional when she told him, "Good job." She assumed he was emotional because he had not been sober for that length of time since his tenth birthday, but he told her it was because that was the first time in his life he could remember anyone complimenting him on anything.

Judge Matarazzo enjoys presiding over trials and loves to hear the input of jurors. She finds herself learning something new every day and only wishes she had more time to prepare. One of the things she loves about her job is being able to help people understand "the meaning of choices," noting that her experience as a judge has shown her that committing to real change is a difficult process that is at times painful to watch.

Nonetheless, she encourages others to be open to new experiences: "Life is short and we can't take ourselves too seriously. We will make mistakes, and failures are a part of life, but don't be afraid to try something different." In short, embrace change. Judge Matarazzo and the community she serves have benefitted from this philosophy, and we thank her for her years of service.

Mary Anne Anderson is a judicial chambers staff attorney at the US District Court for the District of Oregon.



Judge Judith Matarazzo



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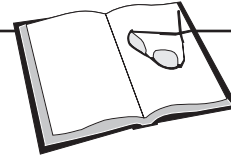
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by the OSB Litigation Section.*

Reimagining Equality: Stories of Gender, Race, and Finding Home

By Anita Hill (Beacon Press, 2011, 185 pages)

Book Review by Teresa Statler



In this slim volume, Anita Hill packs in memoir, American history, and current economic events to tell the important story of the plight of women of the past and present. *Reimagining Equality* is, in short, “a book about home,” as Hill states in her introduction. She believes that “nothing better represents the twisted path to racial and gender equality in America than the search for home as a place of refuge, financial security and expression.” Hill uses the importance of “home” to remember friends and family who helped her become the woman she is today, and to tell the stories of other black women whose homes (and thus lives) are “in crisis,” due to gender inequality, racism, and the recent economic meltdown and sub-prime lending debacle.

Hill, a professor at Brandeis University, begins the book by describing her experience leaving home in Lone Tree, Oklahoma, for college, and then later for law school at Yale. She was inspired by a teacher, Miss Young, who “made her living with her mind,” not by manual labor. Miss Young lent the young Anita Hill her set of “well traveled” matching luggage as she left for college.

These reminiscences led Hill to think about the journeys made by her grandparents and other forebears to find home and to escape the violence and racism of the Jim Crow south in Arkansas, where they had been living. Hill wanted to find out not only where they lived, but how they lived. She describes a grandfather’s near lynching, and others’ desire to leave for Liberia, “the only place on earth where [blacks] have equal rights,” according to one historian. Hill reports that “despite the restrictions of their social and civil possibilities, African Americans still sought to establish homes—places in their communities for themselves and their families—and black women were at the forefront of that effort.”

After telling her family’s story, Hill discusses Lorraine Hansberry’s. Hansberry, author of the play *A Raisin in the Sun*, was the daughter of a man determined to change Chicago’s unwritten housing restrictions (by race) in the 1930s. Carl Hansberry bought a home from a white seller, desperate to sell to any buyer, only to have his family terrorized by white

neighbors, who also vandalized their home. He pursued his fight for housing equality all the way to the US Supreme Court, where he won his case. Hill tells us that *Hansberry v. Lee* led to a landmark decision, *Shelley v. Kramer*, that allowed blacks to challenge the racial restraints covering Chicago’s neighborhoods. That case, in turn, ushered in an era of civil rights litigation in the United States.

Hill also tells the stories of less famous women whose housing struggles mirrored those of others like them in cities such as Los Angeles and Baltimore. She gives a sobering, but fascinating account of the predatory lending practices of banks such as Wells Fargo, and the resulting lawsuits brought by states and cities against them. These practices were, Hill reports, targeted toward blacks, and more specifically, toward black women living in historically black neighborhoods.

“As a country,” Hill writes, “we cannot continue to urge home ownership as a path to citizenship and equality without

addressing the disparities in women’s income” as well as other gender-based social problems. The recent housing crisis is, in Hill’s opinion, a “catastrophe whose roots are deeper than the recent housing market meltdown.” She believes that the housing crisis should make all Americans “examine our fundamental understanding of what it takes to make sure people are able to enjoy home as both a place and a state of being.”

Hill’s book is written in a professorial, but friendly style. She starts each chapter with a dictionary or other reference-book definition of “home” that allows the reader to reflect on its meaning to her, and to the book’s subjects. Although the chapters and subjects Hill addresses are really only loosely connected by the concept of “home,” this is nevertheless an important and very readable book by one of America’s leading lights on the issues of race and gender equality.

Teresa Statler practices immigration law in Portland.

True Professionalism: Breaking the Cycle of Incivility

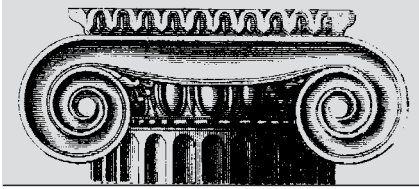
We often talk as though it is only those new to the profession who need lessons in “professionalism”—that is, the highest standards of conduct and civility. But my own observation—from my own experiences as a new lawyer and from listening to the stories of new lawyers over the years—is that new lawyers frequently experience incivility at the hands of more senior lawyers. They are often given poor instruction or thrust into situations in which they feel set up to fail. Billable hour expectations are problematic or unreasonable. Mistakes are greeted with unkindness or even intolerance.

What especially troubles me is that women and minority lawyers, who must have encountered some of the same barriers I did, aren’t necessarily safe people to go to for support. One of my own worst supervisors when I was new to practice was a woman lawyer who used to scream obscenities at me. Even people who are not actively uncivil will often excuse or explain away incivility.

Most disappointingly, as I’ve gotten older, I have found that some of my colleagues have become apologists for a system in which they themselves, as new lawyers, experienced exclusion and mistreatment. How can this be? Perhaps they are so relieved to be “on the inside” that they are ready to forget how it felt to be an outsider, or too quick to conclude that everything that happened to them actually made sense.

I’ve thought about this a lot and have wondered why otherwise good people perpetuate systems that function in destructive ways. We must find a way to break the cycle—and it is particularly important for organizations like OWLS to lead the way. We will fall far short of our purpose as an organization supporting women and minority lawyers—groups that have been underrepresented in the profession and whose members have frequently encountered barriers to succeeding in law practice—if we settle for simply placing more women and minorities in positions of influence just because they are women or minorities. Rather, we must move beyond team identification to a more nuanced objective. My hope is to not simply see more women and minorities in the profession

THE JUDGES’ FORUM



By Judge Darleen Ortega
Oregon Court of Appeals

but to see more courageous women and minorities in positions of influence who remember what it is like to be mistreated and overlooked and misunderstood—and are ready to work hard to alter persistent patterns of incivility.

What can we do to bring this about? An important tool I have learned to use is to “go to school” on the things that happen around me that I can’t fix. One of the first times I used that tool was when I had been a lawyer for about seven years. I was at a hiring meeting, and I thought the process was quite unfair to a particular minority candidate. I tried my hardest to advocate for the candidate, but it became clear that the group was stuck and was looking at things in a way that I could not affect. As I felt my frustration rising at what I perceived to be an injustice, I felt an inward nudge to listen, and be present, even though there seemed nothing more I could do. In fact, it was as though a voice was telling me: *Stay present. It’s important that you are here.* I was filled with a sense of certainty that listening and being present was my work that day. I became convinced that something significant happens when we keep our eyes open to things that are not ideal.

This is hard work! It would have been easier to find a way to justify what was happening. But I have come to believe that bearing witness in this way is essential to true professionalism. Perhaps our disappointment feeds our desire to bring about something different. Sometimes we can learn things about what keeps our systems stuck. It’s like trying to untangle a particularly thorny knot—there is no substitute for the time it takes to examine the tangle and work it bit by bit. However it works, this much I know: the most effective people retain the ability to be truly attentive to incivility that they do not currently have the power to remedy, rather than taking the easier path of shutting their eyes.

Most incivility is perpetrated by people of good will and good intentions. How is that possible? Because they have learned

to close their eyes to incivility that they don’t feel able to address. They want to believe that the world is safe and that there are good explanations for the bad things that happen. They want to believe that the institutions with which they are associated function in the best way possible. That’s understandable. Witnessing incivility when you are not in a position to rectify it is incredibly frustrating and uncomfortable, and it becomes very tempting to excuse what you are seeing in order to avoid that discomfort.

The problem is that inwardly excusing incivility becomes practice for outwardly perpetuating it. If one does that enough, one loses the ability to see incivility—and the risk increases that one will become part of perpetuating it.

The path to true professionalism—and the way we can ensure that we ourselves will not turn into people who perpetuate or excuse incivility—is to cultivate in ourselves a willingness to keep our eyes open to the ways in which our systems are broken. The desire to defend our systems and excuse their imperfections comes from an unwillingness to look at things we don’t know how to fix. Our challenge is to keep our eyes open and, especially, to keep listening and paying attention to the experiences of those who come after us and, when they tell us they are struggling, to avoid the temptation to excuse what they are experiencing.

When we hear ourselves telling them they must change or they should have expected the treatment they received, rather than listening to their experience and acknowledging its complexity, a little alarm bell should go off in our heads: Am I missing an opportunity here? Do I need to listen and risk being uncomfortable? Am I willing to hear a problem for which I don’t have the answer?

It’s that listening—that willingness to bear witness to incivility, to continually leave room for the possibility that our institutions still have some changing to do—that will help us to demonstrate real professionalism and to be agents of change in institutions that badly need it. We ought always to be engaged in a process of listening and struggling to make sense of how people experience our workplaces and our courtrooms. Let’s live as though that is the important reason we are placed where we are. Let’s work to spend less time defending and excusing and even lauding what happens in our profession and more time listening to those who are struggling to fit into it. They have much to teach us.

MLLS Speakers Offer Insights

By Erin Dawson

The Mary Leonard Law Society (MLLS), the OWLS chapter in Salem, has presented a variety of lunchtime talks this year. On January 19, advertising expert Mary Louise VanNatta of VanNatta Public Relations talked about why it's important to take control of your online presence and how to do so.



Erin Dawson (left) and Jenny Foss

In February, speakers focused on finding a work/life balance. Life coach Julie Muller, owner of the business Peace of Mind, introduced purposeful living; Alice Phalan, a restorative yoga instructor from Indigo Wellness, demonstrated office-appropriate yoga poses and meditative practices; and Jenny Foss, founder of the Ladder Recruiting Group and JobJenny.com, discussed how to leverage social media sites to network and job search "outside the box." The practical tips offered by each speaker left attendees with a range of new skills to cope with the constant tension between work and "everything else" in life.

On March 13, MLLS hosted a panel discussion about women in leadership positions in the bar and community. Panelists Mitzi Naucler, president of the Oregon State Bar; Sue Castner, a national delegate for Vision 2020; and Michelle Vlach-Ing, co-chair of Salem Mayor Anna Peterson's election and re-election campaigns, talked about their own leadership experiences. The panelists offered thoughts on pursuing leadership opportunities and areas that particularly need women in leadership roles to effect change.

The Mary Leonard Law Society's annual spring charity event will take place on May 11 and feature a Monte Carlo Casino Night and silent auction to benefit the Liberty House and the Mid-Valley Women's Crisis Service. For more information, please visit <http://maryleonardlawsociety.blogspot.com>. We hope to see you there.

Erin Dawson, a paralegal at the Oregon Tax Court, serves on the MLLS board.

Thank You, Heather and Sally

The OWLS Board of Directors extends gratitude and good wishes to two outgoing board members, President Heather Weigler and Sally Anderson-Hansell.

Heather joined OWLS in 2006 at the encouragement of Hon. Ellen Rosenblum (then a judge on the Oregon Court of Appeals) after moving to Oregon from Washington, DC. She became involved with the Mary Leonard Law Society, OWLS' Salem chapter, and before she knew it, she was on the OWLS board, then the executive committee, and now is OWLS' outgoing president. Heather is an assistant attorney general in the Charitable Activities Section of the Oregon Department of Justice, in Portland. Sometime between serving as OWLS president-elect and president, Heather became a little girl's mother.

A few years back, Heather created the Political Leadership Lecture Series to provide opportunities to OWLS members to learn from experts in their field about being part of the political process in Oregon. She chaired the OWLS judicial work group for two years, helping dozens of OWLS members around the state pursue

a career in the judiciary. Those who met Professor Anita Hill at OWLS' 2011 Fall CLE have Heather to thank for taking the lead on bringing her to Portland.

Sally joined OWLS in 2000 and was instrumental in forming our Rebecca J. Bloom Chapter (serving Umatilla and Morrow Counties) in 2005, along with Hon. Pat Sullivan (a magistrate at the US District Court for the District of Oregon). Sally is part of a general civil-practice law firm in Hermiston that includes business, commercial, real estate, and estate planning and probate law. Practicing law in a rural setting, Sally has created a tight-knit community of women lawyers who meet regularly to talk about their practices and their lives.

Sally has chaired OWLS' membership committee for two years. With her third child on the way, she has handed that leadership role to others. Under Sally's guidance, an OWLS phone-in brown bag series was created so that people around the state can participate in moderated discussions. Check the OWLS website for details.

Thank you, Heather and Sally, for your many contributions.

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OWLS Leadership Forum: Effecting Change at the Local Level

By Jona Maukonen

On February 2, the OWLS leadership committee and the University of Oregon's Wayne Morse Center for Law and Politics co-sponsored a panel on how to effectively influence local government. Panelists were Linda Nettekoven (HAND Neighborhood & Portland Plan Citizen Involvement Committee), Tara Gallagher (Surfrider), and Lisa Libby (city of Portland). The Wayne Morse Center hosted the event at the White Stag Building in Portland, and Davis Wright Tremaine generously provided refreshments.

The discussion was engaging and informative. Linda Nettekoven began at the neighborhood level. Portland groups its more than 90 neighborhood associations into nine "neighborhood coalitions," which work with the Portland Office of Neighborhood Involvement. Linda has been involved with infrastructure and development in her neighborhood for many years, and she emphasized the importance of building relationships with government officials and the valuable insight neighborhood residents can provide. She had high praise for Portland's District Liaison Program. The city has six districts, each with a planner assigned to be the primary go-between for community members and the city's agencies with respect to development matters.

The conversation expanded to citywide issues. Linda pointed out that as a practical matter, one relatively easy way to get issues before the Portland City Council is to use the "pre-council" time slots that allow people to make short presentations to the council without getting on the official agenda. But appearing before the council once is generally not enough

(although it worked for the city's resolution on corporate personhood). It usually takes time and patience to achieve the desired outcome.

Tara Gallagher then described her experience with Surfrider successfully persuading the city of Portland to ban major retailers from using plastic bags. Surfrider took up the issue four years ago and was one of the early pioneers, following San Francisco's 2007 ban.

Surfrider started with the mayor's office and found a favorable ally in Mayor Sam Adams. But Mayor Adams told Surfrider that to win over the Portland City Council, it would need to demonstrate widespread support for the ban. Surfrider worked to develop a "bag ban" brand for its campaign and undertook extensive outreach. It set up tables at countless local events, where volunteers educated the public and sought support.

Surfrider also organized volunteers to prepare hundreds of handwritten letters to city commissioners. Surfrider increased visibility not only by its branding (which included t-shirts and buttons) but also by having people dress up as the "bag monster" to roam the streets of Portland. Despite widespread support for the plastic bag ban, Surfrider was unable to get the local media interested in the issue until it organized a demonstration and rally outside City Hall.

A key to Surfrider's ultimate success was reaching out to others with a stake in the issue—in particular, recyclers and grocers. The mayor's office helped to facilitate those contacts.

After briefly putting the issue on hold to see if the Oregon legislature would adopt a statewide ban, Portland

passed the bag ban. Surfrider's bag-ban campaign required significant volunteer support and a lot of commitment and patience. Tara, like Linda, emphasized the importance of building relationships with government officials and other stakeholders.

Lisa Libby provided important insight from her experience inside local government. Government structure can be complicated, she said, making it sometimes difficult, but critical, to figure out the right local government or agency to target. It is also important not to assume that people in government are on the opposite side of your issue and to identify potential allies within government.

Being transparent helps maintain your credibility, including involving other stakeholders when possible, like Surfrider did. Lisa also said that government officials give more credence to letters, phone calls, and face-to-face meetings than they do to email, even mass email. She stressed that government is at its best when it is partnering with citizens, and she encouraged people to provide feedback to the city on its 25-year plan (available at www.pdxplan.com).

The panelists agreed that it is important not to let "perfect be the enemy of good." Your ideal policy outcome will not always line up with what is achievable at the moment. It is imperative to know when to "pivot" and find a different route toward your desired outcome.

Effecting change takes time and a lot of energy, but it can be fun, and we all have a lot to offer in the process.

Jona Maukonen is an attorney at Harrang Long Gary Rudnick in Portland.