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GET THAT SECOND CHANCE TO MAKE A FIRST IMPRESSION

BY LINDA GREEN

Welcome to 1997 and a stronger market for lawyers than any we have seen in the last three years! With an improved local economy, employers are trying to fill jobs that didn't exist two to three years ago and lawyers are finally finding career-enhancing positions open again. This means more opportunities to interview, but competition is still fierce and the trick is getting a *second* interview.

From the employer's point of view, a second interview provides a chance to confirm or reject impressions formed during the first interview. From your point of view, the second interview is an opportunity to confirm a favorable first interview and receive a job offer. It is also a chance to set yourself apart from the pack. Those who are interviewing you for the second time are looking for *confidence, consistency, energy, and enthusiasm*—and they are comparing you to other candidates.

In your second visit, you usually meet with the same people who interviewed you before, but there will be some *new* faces—people who have read your résumé and know that the firm considers you to be qualified. Beyond that, you should assume that they know nothing about you. They will be looking for more detail about your work background and will want to know if you are a person they can work with on a daily basis.

Enthusiasm in the second interview is a must. This is no time to relax and assume you have the job. You must answer the same question for six or seven individuals—and do so with the same level of energy each time.

In turn, you must have your own questions to ask. Even if you have already asked a question of a prior interviewer and been satisfied with the answer, ask someone else the same question. *Never say that all your questions have been answered.* In a private firm, you might ask partners, associates, or a staff member a general question such as "How

would you characterize the culture and work style of this firm?" You will get a tremendous variety of answers and gain revealing insights into this work opportunity.

This is often the interview when an employer will try to hear your thoughts on salary. Tact and composure are essential. However, if possible, don't be the first to put a dollar offer on the table. If you present a figure that is too low, you may short yourself. If the figure you present is too high, you may be taken out of consideration. An appropriate response might be, "Money is a component in these negotiations, but not the only one I am considering. I have become more encouraged with each meeting. I look forward to entertaining your strongest offer." Practice this presentation to yourself several times before the second interview.

No firm or company likes to hear sour grapes about your previous employer, so avoid this at all costs. If you have been terminated in a layoff or downsizing, for example, a response might be, "It's unfortunate but true that an economic decision by the firm puts me in a positive frame of mind to search out a more select fit. I am enthusiastic about the process

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President Julie Levie Caron (left) and past OWLS presidents (left to right) Phylis Myles, Katherine O'Neil, Agnes Sowle, and Kathryn Ricciardelli pose for a photograph at the Fifth Annual Justice Betty Roberts and Judge Mercedes Deiz Awards.

President's Message



On Friday, March 7, the evening of the gala 5th Annual Justice Betty Roberts and Judge Mercedes Deiz Awards Dinner, 250 members of the legal community gathered to pay homage

to two women—Katherine O'Neil and Armonica Gilford—for their work in advancing women and minorities in the legal profession.

That evening I realized how far we had come from our formative days, when a few determined charter members met in Katherine's living room to dream up an organization that would give women and minorities their rightful place in the state's legal profession. As I reveled in the camaraderie and high spirits of the evening, I understood that those founding members—and the hundreds of others who joined them in the following years—have succeeded in ways they never could have anticipated. It was an evening that made me feel honored to be your president.

As you read this message, I will be finishing my term as president, and what an active year it has been. Along with

our annual events—the Awards Dinner, Spring Conference, Annual Meeting at the Oregon State Bar Convention, and summer picnic—we have undertaken several additional activities. With the help of co-chairs Antonio DeMeo and Debra Hall and their committee, OWLS put on a very successful Rainmaker's Seminar. We also sponsored a Bar Leadership Workshop to help members aspire to roles in such bodies as the OSB House of Delegates and Board of Governors. And our incoming president, Patricia Heatherman, is working with a dedicated committee to create OWLS' 501(c)(3) foundation.

One exciting development this year was a change of venue for our board meetings. In June we met at *Nuevo Amanecer* in Woodburn, a new state-of-the-art migrant housing complex that OWLS board member Nargess Shadbeh helped develop. In September, we met at the Eugene Relief Nursery, a family service and daycare facility that helps families at high risk. Judge Ann Aiken is one of the founders of this vital program. And in March we met at the Portland Rehabilitation Center, which provides training and employment to individuals with disabilities. Another OWLS board member, Janis Hardman,

serves on its board. The point of moving our meetings around like this was to reach out to other nonprofits and to learn from them. Following each board meeting, our directors toured the facilities and learned some creative ways individuals can make a difference in their communities.

So many people have contributed to the success of this year's board—beginning with the directors themselves. To Marcy Butcher and Connie Wold, whose terms are ending, my thanks for your devotion and my hope that you, like so many past directors, will continue your active participation in OWLS. Thanks, also, to all of you who volunteer your time to make this organization what it is. Involvement in OWLS committees is an excellent way to network and form new friendships, and we're always looking for more volunteers!

Additionally I would like to thank the law firms that have given OWLS substantial support: Tonkon, Torp, Galen Marmaduke & Booth; Bullivant Houser Bailey Pendergrass & Hoffman; Graff & O'Neil; and my own firm, Horenstein & Duggan. Thanks, too, for ongoing support from Lane Powell Spears Lubersky.

Finally, I would like to thank our executive director, Diane Rynerson, for the excellent job she does. Without Diane, OWLS would not be able to pull together so many successful events and respond to our members' needs. I know, as president, I would not have been able to keep my sanity this last year without Diane's support.

The end of my term as president coincides with the birth of my second child. As I take on those new joys and responsibilities, I know OWLS will be in good hands under the leadership of our new president, Patricia Heatherman. Good luck, Patricia!

Julie Levie Caron



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KUDOS

Kudos to David Jensen, a candidate for the Board of Bar Governors, who dropped out of the race so that M. Janise Augur could become the first woman elected from Region 2, Lane County.

More kudos to OWLS member David Hytowitz, who withdrew from the Region 5 (Multnomah County) race because he felt there were already two good candidates, Ed Harnden and Agnes Sowle.

Highlights From Maria Andrade's Remarks at the Campaign for Equal Justice Luncheon

The Campaign for Equal Justice luncheon, held in December 1996, was an inspiring event that featured Maria Andrade of Oregon Legal Services' Pendleton office and Roberta Cooper Ramo, immediate past president of the American Bar Association. Here we present Maria's remarks and some of Roberta Remo's responses.

Out in Pendleton, where I work, my official title is Farm Workers Staff attorney, which means that my primary responsibility is to work with clients who are farm workers, migrant workers, seasonal workers. They are cherry pickers and tree pruners; they work in canneries; they work in food processing plants. Out there in a nine-county area I am their lawyer. From any of those nine counties somebody can give me a call and I go to work.

My clients are grandparents, entire families, mothers and daughters, young adults. Some are trained professionals in their home countries—doctors and engineers who have found it to be economically necessary to come to the United States to work. Because of awkward scheduling and the great distance between me and my clients, I often drive a lot: I drive to people's houses, I meet people in small towns in coffee shops at weird hours, I make a lot of calls before 7 a.m. and after 8 p.m.

The types of cases that come across my desk are those that you would probably expect: wage claims, claims arising out of complaints of unsafe working conditions, claims of unsatisfactory housing conditions in the farm labor camps where many of my clients live.

Probably the most significant thing about the Pendleton Legal Services office is the fact that it exists—that there's a place people can call and look for help when they feel they've been wronged. Not all of our cases turn out to be big cases. In mainstream lawyering terms, we may recover \$200 or \$300, but I tell you sincerely that that money makes a difference in my clients' lives. Even if we don't win a case, the mere fact that people who feel estranged from mainstream society can plead a case, can have someone act as their advocate, means something to them. And it should mean something to all of us. It's a very valuable part, I think, of what we're doing here.



Speaker Maria Andrade (left) with Gayle Patterson (center) of Oregon Legal Services for Yamhill County and Debra Lee of the Center for Non-Profit Legal Service.

I wasn't really sure I was going to become a lawyer at all until after I completed my undergraduate work. I took part in a volunteer program—a domestic Peace Corp type of program that took me to inner Jersey City to organize tenants and the community to rehab houses and help tenants own the places where they lived. There I first got to see what life was like for people who lived in urban poverty—to see the frustrations of people who work

40 hours a week, on such meager salaries they couldn't afford to move if they wanted to. It was there that I began to have regular interactions with homeless men and women, and it was there that I learned some very important, but very grim, lessons about our society.

The overriding lesson was that if you want to be counted in this society as a human of value, if you want to be looked upon as worthy, it's going to cost you something. If it's higher education so that you can develop skills to be proficient at English, write a letter, speak clearly, carry yourself with confidence, and develop into your own self-advocate, it's going to cost you. If you have to pay rent and buy shampoo and get hot water so you can clean up and present yourself to society at large as somebody worthy of respect, and if you want somebody to address a wrong, or to redress a wrong that you felt you suffered, or to demand that you be treated with dignity, if you want the broadest sense of justice, it's going to cost you. And we need to recognize that.

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A year ago, OWLS initiated a monthly meeting of judges and lawyers at the Standard Insurance Center in downtown Portland. The Judges Forum meets over lunch the fourth Thursday of each month. It is an informal gathering designed to increase the sense of comfort and collegiality among the bench and bar. With this article on judicial ethics, the AdvanceSheet expands OWLS' original effort. We hope the Judges Forum will also become a regular feature.

When the National Judges Association invited me to Baker City last summer to lecture on judicial ethics, I did my best to create interest in—and make sense of—the areas covered in Oregon's recently revised Code of Judicial Conduct.

Imagine my surprise later that day when, during the evening cocktail hour, a justice of the peace rushed up to exclaim, "I did it. It quit!" What, I asked, had I said to make her decide to step down?

"Don't worry," she replied, "I've been trying to think of an excuse to quit the school board for years. Finally I have one!" It turned out she had been unaware of the provision of the Code that



BY THE HON. ELLEN ROSENBLUM

makes it unethical for a judge to run for or hold any other elected office during his or her term.

Because most misunderstandings of the Code do not have such happy resolutions, this column will attempt to provide a primer on the subject. While knowledge of the Code is essential for judges, it is equally important for lawyers who serve as pro tem judges. An understanding of our Code can also help lawyers in their everyday dealings with judges. (Please keep in mind that the interpretations offered here are mine and, thus, do not carry any official weight. Moreover, due to space constraints, only a handful of the Code provisions can be included in this discussion.)

Contributions

The Code explicitly prohibits judges from contributing or soliciting money, services, or property to a political purpose or political organization. So lawyers and others should not ask judges to contribute to political causes or candidates. (The only exception to this rule allows judges to contribute to the campaigns of judicial candidates.)

Political Activity

The Code prohibits a judge from engaging in political activity that creates a reasonable doubt about the judge's impartiality or implies support in the judge's official capacity of any cause other than the improvement of the law, legal education, the legal system, or the administration of justice. The nuances of "official" vs. "personal" capacity make this a troublesome area. As a result, most judges, out of an abundance of caution, avoid political events and activities altogether. (This is true even though the Code does not include mere attendance at political events in its definition of political activity.) So lawyers should take judges off their political Rolodexes, especially for events that require or expect contributions.

Ex Parte Contacts

Judges may only make contact with

a lawyer in a case in the absence of opposing counsel when circumstances require it for scheduling, administrative purposes, or emergencies that do not deal with issues on the merits. When such circumstances exist, two additional requirements apply:

1. The judge must reasonably believe that no party will gain a procedural or tactical advantage as a result of the ex parte communication; and

2. The judge must ensure that all parties are notified of the substance of the communication and are allowed an opportunity to respond.

This rule discourages ex parte contacts as much as it could without banning them altogether. Lawyers should avoid such encounters with judges. When circumstances require it, they should deal instead with the judge's staff and—even then—remember that the staff, too, is subject to the rules concerning ex parte contact. Chitchats with the courtroom clerk during breaks in a trial, for example, could be perceived as communication about a substantive matter in the proceeding, just as friendly banter with the judge during courtroom "downtime," even in the presence of opposing counsel, can easily be misperceived by litigants, members of the public, and lawyers who may be less familiar with the judge.

Disqualification/Gifts

While there is a procedure for disclosure and waiver of disqualification under certain circumstances, the general rule is that a judge shall disqualify him or herself in a proceeding in which the judge's impartiality *reasonably may be questioned*.

So if there's a reasonable chance that you or members of your law office would appear before the judge,

1. Do not offer to pay for *anything* for the judge. (Don't let the judge pay for you either.)

2. Do not give the judge or judge's staff a gift of any kind.

3. Do not offer a judge a reduced rate on your beach house. Better yet, don't offer it at all! Likewise, don't rent vacation property from the judge. (The same goes for Blazer tickets and other items or services of value.)

4. Do not enter into financial partnerships or other business relationships with the judge.

Even if there's little chance that you would appear before the judge, avoid asking for a contribution to a cause or group that might come before him or her.

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Public Comment

A general rule is that while a proceeding is pending, a judge may not make any public comment that might reasonably be expected to affect the outcome or impair the fairness of the proceeding. In the political context, a judge is prohibited from making pledges or promises of conduct in office that could inhibit or compromise the faithful, impartial, and diligent performance of the duties of the office. Most judges come to realize that any public comment concerning their position on issues has the potential of being interpreted as bias, which in turn could lead to the prospect of disqualification.

Attending Social Events

Judges may accept "ordinary social hospitality." For example, they can attend law firm open houses and bar-sponsored events. However, in order to avoid the appearance of partiality, judges need to be cautious before accepting invitations from specialty bar groups (i.e., plaintiffs bar, defense bar, DAs, etc.), especially if they are particularly lavish and expenses are covered.

Fundraising

Judges cannot personally solicit funds. So, for example, judges should decline requests to be on the school auction procurement committee or to sell coupon books to friends and neighbors. Judges may not even raise funds for their own campaigns, although they may organize committees for that purpose.

Nor may a judge permit the use of the prestige of the judicial office in connection with fundraising for the benefit of non law-related organizations. That means a judge should also decline invitations to be a speaker, master of ceremonies, awardee, or guest of honor at such organizations' fundraising events. On the other hand, flipping pancakes behind the scenes at a fundraiser would probably be permissible, so long as it neither involves personal solicitation nor use of the prestige of the office.

The Code specifically allows judges to assist certain types of law-related organizations in raising, managing, and investing funds. While this may permit a judge to be honored at a law-related organization's fundraising event or the like, assisting in raising funds is not defined in the Code. Thus, judges would be wise to err on the

side of caution in this area until there is greater clarity of interpretation.

Memberships

Judges may not be members of organizations that discriminate illegally on the basis of sex, race, national origin, religion, sexual orientation, marital status, disability, or age.

Bias or Prejudice

Judges may not act in a way that would be perceived as biased or prejudiced. They must also require lawyers to conduct themselves accordingly.

Letters of Reference

Judges may write letters of reference or otherwise provide character or ability references, but only for people about whom they have personal knowledge.

Pro Tempore Judges

Lawyers serving as judge *pro tempore* are, with a few exceptions, subject to the Code of Judicial Conduct while serving. So if you're thinking of serving as a pro tem—or running for judge—keep a copy of the Code somewhere where you'll be likely to read it several times over. Take particular note of the rule providing that pro tem judges may not, without express consent of all parties, accept an assignment involving any lawyer or law firm that the judge is currently opposing in any legal proceeding.

Enforcement of the Code

The Oregon Commission on Judicial Fitness and Disability is the body that investigates ethical complaints made against Oregon judges. If warranted, it files a complaint against the judge and conducts a hearing. If a violation of the Code is found, the Commission's recommendation, in turn, is submitted to the Oregon Supreme Court.

Before becoming a judge, I had little appreciation for the purpose of a Code of Judicial Conduct. Now it surprises me when non-lawyer acquaintances and even lawyers occasionally react with near disbelief when they learn of the things I can't do because I am a judge. While I am convinced of the importance of stringent rules governing judges' behavior, I hope the rules will not be perceived as a way for a judge to avoid remaining a relevant participant in his or her community nor, certainly, as an excuse to avoid the company of lawyers.

It is of great importance that judges and lawyers communicate both in the courtroom and outside of it. That's why opportunities like the OWLS Judges Forum, the Bench-Bar Breakfasts sponsored by OTLA and OCDLA, and participation in the American Inns of Court are ideal ways to get together, discuss issues of mutual interest, and—perhaps most important—enjoy each other's company.

Ellen Rosenblum

has been a Multnomah County judge for the past eight years.

She currently chairs the Judicial Conduct Committee of the Oregon Judicial Conference. She also



Ellen Rosenblum

serves on the Board of Governors of the American Bar Association and as president of the Owen M. Panner Chapter, American Inns of Court. Copies of the Oregon Revised Code of Judicial Conduct are available from Judge Rosenblum or from the Oregon Judicial Department.



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