

AdvanceSheet™

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PREPARING FOR QUEEN'S BENCH'S 50TH ANNIVERSARY

by Trudy Allen

As most of our readers know, Queen's Bench is now the Portland Chapter of OWLS, but it had its beginnings long before OWLS was a gleam in anyone's eye. Although we don't have the precise date of Queen's Bench's founding (sometime in 1948, or perhaps late 1947), that isn't going to stop us from celebrating its upcoming 50th anniversary. We'll have a kickoff this fall—and we'll keep on celebrating through 1998!

We do know a lot about the history of Queen's Bench—and about its predecessor organizations of women attorneys in Oregon. Although Queen's Bench was not the first association of women attorneys here, it is the one with unrestricted membership that has endured the longest. And it has served as the gathering force for women from all around Oregon. For this success and longevity we are indebted to those women who worked to initiate the organization, who started coming early on, kept on coming, and recruited new members.

The Early Organizers

One of the early organizers was Cecilia Gallagher Galey (admitted to the bar in 1930), who called a number of women lawyers together in 1948 for a dinner meeting at the Benson Hotel to talk about forming an association. That evening the women heard Gladys Everett (admitted to the bar in 1923) tell of her recent service in China as regional wel-

fare officer with the United Nations Relief and Rehabilitation Administration. According to Helen Althaus (admitted to the bar in 1945 and now living in Ashland), about 25 to 30 women attended that stimulating evening and agreed to form an association that would meet at least monthly. Remarkably, we've been meeting monthly ever since!

Helen herself was on the committee that drafted a constitution. It was her suggestion to use the name "Queen's Bench," after a women lawyers' association in San Francisco of the same name and after the English court, "King's Bench."

Among the other women who probably attended that first meeting—and were regular participants—were Metta Boughman (later Beeman, admitted in 1921), Frances Cummings, Beatrice Paget and Dorothy McCullough Lee (1924), Doris Rae Keeler (1930), Neva Elliott (1935, still living in Portland), Dorothy Kliks (later Fones; 1936), Jean Lagerquist Lewis (1939), Marian Rushing (1943), and Manche Langley (1909).

Manche Langley, a woman revered by all, was to some degree the group's matriarch, so it came as a sad shock in 1963, fifteen years after Queen's Bench was founded, when Manche died while still actively practicing law. She was then a month short of her 80th birthday, but she had been such a vitally energetic and charismatic person that no one could imagine her being gone.

Continued on page 8

BAR BREAKFAST PREVIEW

The OWLS 1997 Annual Meeting and Bar Breakfast will be held Saturday, September 27 at the Oceanview Resort in Seaside. The event begins at 7 a.m. and features a performance by attorney and singer Armonica Gilford, winner of OWLS' 1996 Judge Mercedes Deiz Award. The breakfast, which costs \$15, will end in time for everyone to hear prominent civil rights lawyer Julian Bond address the Oregon State Bar Conference. Make your check payable to Oregon Women Lawyers and send it to OWLS, P. O. Box 40393, Portland, OR 97240.



Armonica Gilford

President's Message



I'm honored and very pleased to serve as your new president. During the coming year I want to get to know many of you better and to hear your ideas and hopes for Oregon Women Lawyers.

I'd like to thank our outgoing president, Julie Levie Caron, for her leadership this past year. Just days after finishing her presidential term, Julie gave birth to her second daughter, Elayna. We send our very best wishes to Julie, Gideon, and big sister Rachel.

The founders of Oregon Women Lawyers knew that our lofty ambitions could not be effectively achieved without the formation of sister organizations with more specialized purposes. JEWL/PAC (Justice Endorsed by Women Lawyers) was the first such sister organization, whose hard-working volunteers over the years have evaluated and endorsed judicial candidates in key races. Unfortunately, I must report the group's demise—and with it a gap in our collective ability to recruit and support judicial candi-

dates who strongly affirm our concerns about women and minorities in the legal system.

On a happier note, I am proud to announce the creation of our newest sister organization: the OWLS Foundation. The Foundation's mission is "to educate the public and the legal community about the needs of women and minorities within the justice system." Donations to the Foundation will be tax deductible as charitable contributions to the full extent allowable by law.

During the past year, it was my privilege to chair a steering committee of dedicated visionaries who have built the framework of this vital organization. Many people offered valuable advice and ideas, and I would like to give particular thanks to Ann Bartsch, Cynthia Cumfer, Paul DeMuniz, Elizabeth Harchenko, Nikki Hatton, Kay Kinsley, Janet Knauss, Susan Leeson, Marilyn Litzenberger, Diane Rynerson, Helle Rode, Agnes Sowle, Ruth Spetter, and Lisa Vogt.

It is now time to form a Foundation board of directors that can determine how to raise and invest funds and select charitable causes to support. To

truly make the organization a success, we will need members with energy and ideas from across Oregon. If you would like more information about serving on the board or a Foundation committee, please call me at Merrill, O'Sullivan (541) 389-1770.

It is fitting that the first donation of approximately \$125 to the OWLS Foundation comes from the final funds of JEWL/PAC. We extend our thanks and gratitude to JEWL/PAC's volunteers and donors.

Patricia Heatherman

Meet Our New President, Patricia Heatherman

Patricia Heatherman grew up in Montana, the second of four girls. She graduated from the University of Montana with a degree in Spanish. In southern California, she met her future husband, Paul, when they both worked as assistant managers at Manufacturers Hanover. Later they moved to Oregon and attended Willamette University College of Law.

After graduation, Patricia clerked for Judge Edward Leavy of the Ninth Circuit Court of



Patricia with President-Elect Teresa Kraemer

Appeals. Since January 1995 she has lived in Central Oregon, where she is an associate with the Bend firm of Merrill, O'Sullivan, MacRitchie, Petersen & Dixon. Her areas of practice include estate planning, probate, and business law. Her husband is with Ray Babb & Associates.

Patricia and Paul are parents of 2-year-old Ben and are expecting a second child in September. Patricia and Paul also raise golden retrievers.

Patricia first became a member of Oregon Women Lawyers while a law student at Willamette. She was active in the mentor program at Willamette and attended Mary Leonard Law Society luncheons from time to time. Her interest in OWLS as an organization was heightened by participating in long-range planning sessions. We are delighted that she is our new president!

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OWLS Members Have Featured Roles in the ABA

Among the OWLS members who are taking active roles in the ABA these days are Dianne Dailey, Antonia de Meo, and Jill Gelineau.



Dianne Dailey

Dianne Dailey, a shareholder in the Portland office of Bullivant, Houser, Bailey, Pendergrass & Hoffman, will assume the position of chair of the 30,000-member Tort and Insurance Practice Section of the ABA at the end of the Annual Meeting in August. She is the first woman to chair the section and the first chair of the section's Task Force on Women's Involvement. For the last three years, Dianne has been the section's liaison to the ABA Commission on Women in the Profession. She also serves on the ABA Standing Committee on Environmental Law.

Antonia De Meo, who practices with Markowitz, Herbold, Glade & Mehlhaf, P.C. as a complex and commercial litigation associate, will address the ABA Annual Meeting in San Francisco this August. Her remarks will be presented in a two-hour panel presentation entitled "Survival Skills for Young Lawyers." The program is co-sponsored by the ABA's Law Practice Management Section and Young Lawyers Division. Antonia's topic will be personal marketing and will include tips for developing the marketing and rainmaking skills necessary to be successful in today's legal market. "I hope," she says, "to encourage and energize other young lawyers to begin sowing the seeds that will grow into future business." In particular, she will emphasize the need to set realistic goals, build a solid reputation, become visible in the local legal community, and develop a network for support, camaraderie, and referrals. Antonia graduated from the Northwestern School of Law of Lewis & Clark College in 1994.



Antonia De Meo

Jill Gelineau is a member of the ABA Committee on Continuing Education of the Bar. The committee advises the ABA on matters relating to continuing legal education, specifically overseeing activities of the ABA Center for Continuing Legal Education, exploring new methods of providing CLE programming, and developing policy proposals. The standing committee has developed a speakers data base that focuses on lawyers of color and women lawyers, which the ABA section and bar associations around the country consult to improve utilization of those speakers. Jill is a partner of Schwabe Williamson & Wyatt.

For information about how you can become active in the American Bar Association, call our state delegate, Katherine O'Neil, at (503) 222-4545.



Jill Gelineau

WOULD YOU LIKE TO BE A MENTOR FOR A LAW STUDENT?

We're looking for a few good mentors for students at the Northwestern School of Law of Lewis & Clark College. If you're interested, plan to attend a kickoff breakfast from 7:30 to 9:00 a.m. Wednesday, October 1, 1997 at the law school. To reserve a space, or to learn more about the program, call Libby Davis at (503) 768-6610.

NOW'S THE TIME TO ADVERTISE IN OWLS' 1997-98 MEMBERSHIP DIRECTORY

When you advertise in the OWLS Directory, your message reaches over 3,500 of your colleagues—OWLS members, plus all other women and minority attorneys and judges in Oregon. To be included in this two-year directory, which will be distributed in the fall, call Diane Rynerson at (503) 221-2135. Diane can send you a brochure that includes exact ad sizes and formats. She will accept advertising until September 30.

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WORKING WITH CLIENTS FROM OTHER CULTURES

By Lisa M. LeSage

Nothing is more rewarding than expanding your practice to include persons of other cultures, and with some careful preparation you can do so competently—even if you do not speak other languages.

HAVE THE RIGHT DOCUMENTS

Have documents (client intake forms, medical and general release of information forms, retainer agreements) professionally translated and available in the language of your clients. Update your database with foreign-language versions of standard explanations of documents (powers of attorney, quitclaim deeds, general settlement documents) that you consistently use.

CONSIDER WHO IS ON YOUR STAFF

If you are hiring new staff or replacing a secretary, paralegal, or receptionist, advertise for a bilingual-bicultural person. Someone who speaks the language of the majority of your clients can put clients at ease as they come

into your office, translate documents, write short status letters, make calls to clients, conduct witness interviews, assist with trial and deposition preparation, and help in other ways.

MAKE YOUR OFFICE CULTURALLY SENSITIVE

Educate yourself about your clients' cultures and regional differences within and among countries; learn about customs regarding male-female, familial, and business relationships and about legal and medical systems. Learn how to build trust, when first meeting with your client and clarifying expectations. Few countries have legal systems like ours, so don't ever assume that your client has a basic understanding of it—or even knows what a lawyer's role is. In many countries, people go to a lawyer, pay some money to "fix" something, and leave. Teach your clients how to become involved in their cases. Explain the role of experts and prepare clients for each evaluation. Build a base of experts—anthropologists, psychologists, psy-

chiatrists, attorneys, physicians, social workers, educators, and people who work consistently with the populations in question. Get to know them *before* a crisis occurs.

BE PREPARED TO USE INTERPRETERS

Resources. No office should be without Connie Crooker's excellent and comprehensive book, *The Art of Legal Interpretation* (Portland State University Continuing Education Press) and a binder of relevant Oregon Revised Statutes, federal statutes, and regulations dealing with interpreters in the particular area of law you practice. Attorney Crooker's book addresses all issues of translation and interpretation and lists the relevant statutes, ethical rules, regulations, and jury instructions.

Interpretation. Build up a professional, reliable "stable" of interpreters, some for use with client interviews and others for court interpretation, hearings, mediations, translation of documents, etc. Make sure each interpreter is certified and highly qualified for the particular service being provided. If you don't know where to start, ask attorneys who represent non-English speakers regularly, or call and ask legal aid or public defender agencies for advice on the best interpreters. Make sure you have a way of checking the interpreter's reputation in the community. Several people operating as "interpreters" charge a "referral fee" to bring clients to attorneys. Using them can get you in trouble with the bar.

Depositions and Trial. Make sure you have interpreters to help you and your clients prepare for depositions and trial. Review the process with your client meticulously, including what to expect from opposing counsel, how the system works, how to talk to the jury or judge, how to handle objections, exhibits, etc. Also, practice questions and answers. Remember you are dealing with three voices rather than two, and it is critical that you are absolutely comfortable with the process before examining a witness in any proceeding. Make sure both you and the client practice waiting for the interpreter to finish before speaking!

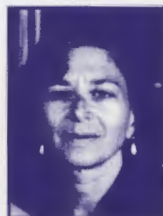
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region, and town; level of education; occupation). You may not be permitted to, nor want to, use the same interpreter at trial whom you have used in trial preparation, so make sure that the interpreter and client have had enough contact to be able to communicate flawlessly.

Prior to depositions, talk with opposing counsel about your need for an interpreter. If each of you insists on having your own, find a way to agree on choosing a third, competent official interpreter for the witness testimony. Doing so avoids the nightmare of each party's interpreter fighting about and objecting to the official interpretation. Also, give special thought to how you will deal with mistranslations at deposition. Review the ethics rules, and talk to other experienced attorneys.

Make sure the interpreter you use at trial knows how to appear in front of a jury; is instantly likeable and respectable; and can carry the witness's inflections and emotions, as well as her words. Practice your questions and keep them short and succinct so the jury and judge remain engaged.

Handling the Judge, Opposing Counsel, and Jury. Use a jury instruction that addresses the use of interpreters and your client's ability to speak English; carefully consider how you will deal with the interpreter and any cultural consideration, in voir dire and opening statement. Talk ahead of time with the judge and opposing counsel about how you will handle objections to translation during trial or hearing.

EVALUATING YOUR FLUENCY

Do an honest self-assessment: are you really fluent enough to understand not only what the client is saying but how well the interpreter is doing her job? Do you understand cultural nuances—what is *not* being said, as well as what *is* said? Use the utmost care in analyzing your abilities.

Using the Client's Friends or Children. When, if ever, should you feel comfortable using the client's child as interpreter? Ask yourself if you would feel comfortable talking through one of your English-speaking client's children in the same situation. Carefully assess the use of friends, too.

Waiver of Attorney-Client Privilege; Client Confidentiality. Often, clients bring friends along to interpret or sit

with them. Be careful not to put your client in a position where she can inadvertently waive the privilege. Explain the reason behind the privilege and the consequences of waiver, and let the client make an informed choice.

USING EXPERT WITNESSES

When using an expert, try to choose one who has experience with the client's culture—or give the expert the information necessary to do a complete, thorough analysis. For example, for a neuropsychological analysis, provide anthropological or cultural information in the form of treatises, studies, or a meeting with a knowledgeable anthropologist. Also, when the expert is evaluating your client, provide an interpreter.

When you prepare to cross-examine an expert, make sure that you research all possible underlying stereotypical assumptions that lie behind an opinion. Use an anthropologist or other expert to help you. Be sure to research the guidelines for the expert's profession that apply to non-English speakers and persons of other cultures. Obtain copies of these guidelines and keep them in your office. For particu-

lar tests, especially personality tests such as the MMPI, research the underlying bases and assumptions for the questions and evaluation itself. Also question which population was used in formulating such a test. Are the underlying assumptions and bases for the standardized exam valid for evaluating your client? For help in using experts, consult the American Immigration Lawyers Association. This group has lists of attorneys representing clients from every cultural group imaginable. Most of them have access to experts of one kind or another to help you get started. Also, there is a directory of Spanish-speaking attorneys in Oregon (self-evaluated). Or ask community cultural organizations, other attorneys, other professional groups, and social service agencies.

Taking a few simple steps can assure that you are complying with your ethical obligations and can greatly enhance your expertise, practice, and enjoyment.

Lisa LeSage is director for Career Services at the Northwestern School of Law of Lewis & Clark College and a member of the OWLS board.

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Early in my law practice I represented a gentleman charged with Driving Under the Influence. After reviewing Mr. Knight's case with him, it sounded as if he had a strong defense. My view soon changed, however, when I listened to the tape recording of him responding to a police request to recite the "ABCs"—a part of the field sobriety tests. In a slow, somewhat slurred voice he proceeded to state: "A - B - C - D - E - F - G - H - I - J - K...(pause)...N - I - G - H - T!"

In all my experience with the law, Mr. Knight's field sobriety test stands out as the only occasion when the ability to spell one's name actually got someone in trouble. For the most part, it's a lack of literacy that does that. A compelling case can be made that the legal profession should attempt to lead the way in attacking this curable condition. Happily, many lawyers and judges already are doing so.

A sample of available statistics (most taken, with permission, from "A Different Drummer," a report of the ABA's Standing Committee in Law & Literacy) illustrates the magnitude of the problem:

1. Over 20 percent of adults in the U.S. read at or below a fifth grade level.

THE JUDGES FORUM



BY THE HON. ELLEN ROSENBLUM

2. One-fifth of high school graduates can't read their diplomas.

3. Three-quarters of the nation's Fortune 500 firms spend about \$300 million per year to provide remedial training for their employees.

4. Nearly 50 percent of American adults are poor readers.

5. Sixty-eight percent of all persons arrested are illiterate.

6. Fifty percent of all prison inmates lack high school diplomas.

7. Recidivism rates are sharply reduced where programs exist to reduce illiteracy among probationers.

Reading these figures causes me to wonder: How many times might I have assumed—incorrectly—that a defendant standing before me to enter a guilty plea actually could read and understand the plea petition? If I had

known, could I have done or said something to help this person realize his or her literacy potential?

Here in Oregon we have at least three excellent literacy programs that provide opportunities for volunteer tutor participation. These include:

1. Start Making a Reader Today (SMART). This incredibly successful program for K-2 children was begun by former governor Neil Goldschmidt, in conjunction with the Portland law firm of Ater Wynne. In 1995 the firm received the ABA's first National Civic Literacy Award for its rôle in promoting children's literacy.

2. The Donald H. Londer Center for Learning. This was inspired by presiding Multnomah County Judge Don Londer and trial lawyer John Ryan—also with the support of the ABA. The Center helps probationers improve their academic and life skills and has demonstrated the connection between literacy and lower recidivism rates.

3. Oregon Literacy, Inc. This statewide organization provides free tutoring services for adults who have limited reading skills or who are non-English speaking.

Contacting these programs in search of their literature, I found myself energized by the exuberance and commitment of the people who labor in this arena. One program manager wrote, "The rewards for the tutor are so great—the satisfaction of seeing someone read their first book, fill out a job application for the first time, take a written drivers license test. To be a part of that is what keeps a volunteer in the program."

So, busy lawyers and judges, if you can afford to add one more item to your full plate, advancing the cause of literacy a few hours a week may just be the most rewarding thing you've ever done.

For more information on tutoring opportunities, call Oregon Literacy Inc. (800) 322-8715; Adult Community Justice, Donald H. Londer Center for Learning (503) 248-3466; or Oregon Children's Foundation (SMART Program) (503) 721-7175.

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 and serves on the Board of Governors of the American Bar Association.



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OWLS RECEIVE JUDICIAL APPOINTMENTS

Mary Deits Becomes Chief Judge of the Oregon Court of Appeals



Mary Deits

On July 1 Judge Mary Deits became chief judge of the Oregon Court of Appeals, replacing Chief Judge William Richardson, who retired after 26 years as a trial and appellate judge. In addition to her new administrative duties, Judge Deits will continue to decide cases and work to develop methods of improving the administration of justice in Oregon.

Judge Deits has served on the court of appeals since 1986 and has presided over one of the court's three-judge panels since 1993. Before her election to the court, she was an assistant attorney general in the Oregon Department of Justice. She received her law degree from Willamette University College of Law.

The Oregon Court of Appeals decides some 4,400 cases a year, making it one of the busiest appellate courts in the country.

Eve L. Miller Appointed Circuit Court Judge

Governor John Kitzhaber recently appointed Eve L. Miller to the circuit court bench in Clackamas County to fill a vacancy created by Judge Brockley. Prior to the appointment, Judge Miller was of counsel to Cox & Peterson in Lake Oswego. From 1982 to 1993 she was with the law firm of Hoevet, Snyder & Miller. To retain the position she must stand for election and win in November 1998.



Eve Miller

Judge Miller has served as a circuit judge pro tempore in both Clackamas and Multnomah counties and has been active in several professional bodies, including the Multnomah County Court Arbitration Commission, the Uniform Trial Court Rules Committee, and the Dispute Resolution Commission advisory committee. She has served on the board of the Multnomah Bar Association and the Multnomah County Court Arbitration Commission and has been chairperson of the Or-

egon Trial Lawyers Association Family Law Section and the Multnomah County Bar Association Alternative Dispute Resolution Committee.

Judge Miller, who has practiced in the areas of general civil litigation and domestic relations, received her law degree from the Northwestern School of Law of Lewis & Clark College.

As we go to press, **Patrica Crain** of Medford and **Phillip Arnold** of Ashland have been appointed as trial court judges in Jackson County. We will cover their appointments in the next issue of the *AdvanceSheet*.

On the Move

Elizabeth Harchenko, formerly special counsel to the Attorney General, has been named to head the Oregon Department of Revenue.



Chrys Martin

Chrys A. Martin, a shareholder in Bullivant Houser Bailey Pendergrass & Hoffman, has been elected to the board of directors of the Defense Research Institute.

Carolyn W. Miller, an attorney with Duffy, Kekel, Jones & Bernard, L.L.P. and recipient of a 1995 OSB President's Membership Service Award, has been elected a member of the American College of Trust and Estate Counsel. The organization confers the honor on lawyers who are considered outstanding practitioners in estate and trust planning and administration, related taxation, business succession and insurance planning, employee benefits, and fiduciary litigation.



Carolyn Miller

S. Diane Rynerson has been selected as part-time executive director of the National Conference of Women's Bar Associations. She continues as executive director of Oregon Women Lawyers.

Patricia Sullivan, a former OWLS board member from Pendleton, has been elected to the Pendleton School Board. Pat, an attorney with Corey, Byler, Rew, Lorenzen & Hojem, L.L.P., defeated two opponents in a close election.

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Queen's Bench *continued*

The Manche Langley Scholarship Fund—Now a Reality

After Manche's death, the members of Queen's Bench wanted to memorialize her, so they collected money as a seed fund for a scholarship in her name, which they hoped would eventually benefit women law students. For various reasons, that fund stayed in the bank for over 30 years, but the dream was not lost. Helen Althaus and Jean King (admitted to the bar in 1953 and still living in Portland) have recently pledged significant contributions to the fund to enable its establishment in Manche's name. As a result, a new scholarship at Northwestern School of Law of Lewis and Clark College—intended for women—will have its first recipient in 1998, Queen's Bench's 50th Anniversary year!

As part of its commemoration of the 50th Anniversary, we have wanted to find a way to honor our founders and early members and—in so doing—to enhance the Manche Langley Scholarship Fund. Our plan is to publish a 1998 calendar with one of the early women featured each month in a col-

lage of pictures and brief biographical sketches. The net proceeds will be a direct contribution to the Manche Langley Scholarship Fund. (Checks should be made out to the law school.) The project provides a wonderful opportunity for us to join with our predecessors in honoring Manche and—at the same time—benefitting future generations of women lawyers. It's a unifying effort in which members from all 50 years of Queen's Bench's history can participate!

In the Queen's Bench History Committee's research about the women who will be featured in the calendar, we have uncovered some fascinating stories. Many of these women had illustrious careers. Several had supportive fathers and/or husbands who were their mentors. A majority devoted their full lives to their careers and never married. All had a passion for the law, which served to bolster them as they made inroads in what was then a man's world. Many achieved "firsts" in their areas. Besides Dorothy McCullough Lee's "first" as mayor of Portland, there were firsts in judicial positions for Mary Jane Spurlin, Gladys Everett, and Jean Lewis. Helen Althaus was the first woman to serve as a clerk to a judge in Oregon; Marian Rushing had several "firsts" at the Portland City Attorney's office, finally becoming the first woman City Attorney of Portland; and Jean Lowman was among the first to serve as a law clerk to the Oregon Supreme Court and was the first woman regional solicitor for the U.S. Department of the Interior. These women were anything but wallflowers, and in fact were often great role models for the younger members. You will get a good introduction to them in the calendar, and future articles for the *AdvanceSheet* will provide more detailed portraits of others.

In learning about these earlier women, we can better recognize why they sought to create Queen's Bench. As they expressed it in their 1948 constitution, the purpose was "the promotion of professional advancement, comradeship and good fellowship among women members of the legal profession." They saw the importance of providing a non-adversarial—and, in fact, very congenial—setting where, as one member said in a 1949

Continued on page 12

A Dinner with a Difference

By Katherine H. O'Neil

A few months ago, I had a fascinating opportunity to gain an insider's view of the Chinese legal system from a visiting woman lawyer from the People's Republic of China. That opportunity came when I had dinner with Huang Yan, a visitor sponsored by the U.S. State Department's International Visitor Program. Huang began her one-month tour of the United States by meeting with Sandra Day O'Connor and ended her visit with our dinner in Portland.

Huang (born in Shanghai in 1962) holds a bachelors and a masters degree in law from the China University of Political Science and Law in Beijing. After graduating in 1988, she became a teacher in an academy for judges set up at the Chinese Supreme Court. In addition to teaching, she was responsible for selecting judges to come to the academy.

After the academy closed in June 1989, after the Tiananmen Square incident, Huang took a job as a professor in the law department at the Chinese University of Nationalities in Beijing, where 80 percent of the students were from China's 55 ethnic minority groups. (The ethnic minorities have the same court system as prescribed by the Chinese constitution, but each group can set up its own laws provided they do not violate the spirit of the constitution. The laws operate in the various autonomous regions such as Tibet and Inner Mongolia.) Huang taught economic law, corporations, bankruptcy, and banking law.

The University of Nationalities—a four-year institution—was founded about 40 years ago and has 200 students per class year. Its students must pass a national entrance examination before they go to work in local governments, banks, colleges, or legal firms. According to Huang, every law graduate can be assured a job.

Although Huang enjoyed teaching, many students urged her to start her own practice. Today her office, like 80 percent of all law offices, is in a Beijing hotel—a setting considered formal enough for important meetings. It takes her half an hour to commute




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by car to her office from the apartment building where she lives, although many hotels in Beijing are designed for people to work and live in the same place. "Many foreign companies," Huang told me, "prefer this combined use. It saves them money."

Huang has two partners—both men. Most of her transactions are for Chinese corporations. Although some firms now charge by the hour, she bills by the case. Her office is equipped just as an American law office would be and is fully computerized.

Both of Huang's parents are university graduates, and because they were intellectuals, the family was in a labor camp for three years during the Cultural Revolution. Today, Huang lives with her parents and her brother, who is an engineer. Her parents are retired but continue to live in their "unit housing," which belongs to them by virtue of their prior occupation.

According to Huang, "It is very hard to be on your own as a lawyer. We are young and we have to take care of ourselves. We have to buy our own house, life insurance, and health insurance. If we do get married, we have to save up. At the same time we have parents we have to feed. It is a very heavy responsibility for the young in China now."

Health insurance is only available for a hospital stay, and a 2,000 yuan deductible applies. Inflation in 1996 was about 10 percent, down from an official rate in recent years of 15 percent. If you work for the government for several years the government will provide housing.

During her month in the U.S., Huang visited state courts, judges, lawyers, and law professors. She saw a total of 70 people. As she resumed her work in Beijing, she said, her goal would be a seat on the Chinese Supreme Court. Her role model is Madam Ma, who was appointed to the Chinese Supreme Court in 1986 and now presides over its civil section. Madame Ma's niece, Yihong Zhang, is a 1988 graduate of the Northwestern School of Law of Lewis & Clark College who now practices in Beijing. Before returning, she clerked for Judge Aaron Brown and was an associate at Morse & Bratt in Vancouver, Washington.

Katherine H. O'Neil is OWLS' founding president and recipient of the 1996 Justice Betty Roberts Award.



Top left: Planning Committee members Janet Mynatt, Marilyn Litzenberger, Heidi Olsen, Catriona McCracken, and Debra Pilcher. Top Right: Marcy Butcher and Hon. Ann Aiken. Bottom: Karla Knieps, Kate Brown, Dianne Middle, and Marva Fabien.

Thanks to the efforts of many people, the 1997 OWLS conference was a satisfying, informative event.

First, a big thank you to members of the planning committee, headed by co-chairs Marilyn Litzenberger and Heidi Olsen. Committee members were Marcy Butcher, Carrie Cogswell, Marva Fabien, Kathy Fritz, Rebecca Heintz, Brooke Hoehne, Julie Hoffinger, Melissa Jaffee, Catriona McCracken, Kimberly Morrow, Janet Mynatt, Grace Pangilinan, Debra Pilcher, Diane Rynerson, Libby Schwartz, and Ann Su.

Others who played key roles were:

- Bullivant Houser Bailey Pendergrass & Hoffman, for providing teleconference access, space, and printing services to the planning committee;
- Miller, Nash, Wiener, Hager & Carlsen, for their design and layout contributions to the conference brochure;
- Toni Hunnell at Bullivant Houser Bailey, for assistance with and coordination of conference raffle tickets;
- Margaret McCrea, also at Bullivant Houser Bailey, for secretarial support; and
- the University of Oregon Law School, for the conference facilities.

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THE CONTRACT
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REFERRAL SERVICE

By Deborah Guyol

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

Question: I'm thinking about taking the PLF's law clerk exemption while I do contract work, but I'm worried about liability. Will having another lawyer supervise my work insulate me from liability? From ethics complaints?

Answer: The quick answer to your question is, in theory, no. (Lawyers whose work is supervised by a lawyer covered by the PLF can take advantage of the law clerk exemption from the Oregon State Bar's requirement that lawyers maintain malpractice insurance through the PLF.) However, this exemption does not mean you cannot be sued—and does not mean you may not be found liable. Similarly, being supervised by another lawyer does not change your own ethical obligations. Although a malpractice suit against you, a finding of liability, an ethics complaint, or a finding of an ethics violation may be unlikely outcomes, all are possible.

Let's look at two examples. Hiring lawyer Harriet retains contract lawyer Corinne to do research on a simple breach of contract issue. Corinne prepares a memo summarizing the research and gives it to Harriet. Harriet reads the memo, checks a couple of the cases cited, and bases her litigation position on it. Unfortunately, Corinne missed an important decision. If this error results in malpractice liability, who should be on the hook? Did Harriet negligently supervise Corinne? Did either Harriet or Corinne breach an ethical duty to the client? These are tough questions, and the facts do not suggest clear-cut answers.

Another example: Hiring lawyer Howard asks contract lawyer Carl to do some sophisticated tax research. (Neither Howard nor Carl knows much about tax law.) Carl spends an inordinate amount of time on the research and comes up with the wrong answer. Howard relies on Carl's research without checking anything because he is intimidated by the tax code.

Ask the same questions about this scenario and the answers look much clearer. In a negligence suit, both Howard and Carl could be held liable for harm caused by Carl's mistake and Howard's failure to supervise. If Carl did not have PLF coverage, there is another cause for concern: the law clerk exemption requires supervision by a PLF-covered lawyer. But Carl, knowing Howard is afraid of tax law and therefore cannot provide supervision, would have been wise to decline an assignment in that area. In a negligence suit, both Howard and Carl could be held liable for harm caused by Carl's mistake and Howard's failure to supervise. Further, both Howard and Carl may have violated DR 6-101(A) (providing competent representation) and Howard may have violated DR 1-102(B) (supervisory liability for violations of ethics rules) as well.

Although it is rare for contract lawyers to incur malpractice liability or be found to have violated the ethics code, it is important for us to recognize that our status does not protect us from such results. It is especially important, in the case of lawyers acting as "law clerks" under the PLF exemption, that both hiring and contract lawyers recognize, and take seriously, the hiring lawyer's supervisory responsibilities.

Deborah Guyol is co-author with **Deborah Arron** of *The Complete Guide to Contract Lawyering* (Niche Press, 1995). To order a copy of the book, call (800) 468-1994.

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A WOMAN RUNS AVAILABLE

Oregon Women's Political Caucus has donated to OWLS copies of Jewel Lansing's fascinating account of her statewide political campaign. To obtain your copy, call Diane Rynerson at (503) 221-2135.

Take Notice!

■ **Business Owners Conference.** The Oregon Women Business Owners Conference will take place Thursday evening, September 18 and all day Friday, September 19 at the Eugene Hilton Conference Center. This statewide event gives women entrepreneurs a chance to attend educational seminars, discuss common issues, share information, and network with other businesswomen. Registration (due by September 5) is \$99, or \$20 for the Thursday dinner only. After September 5, the fee is \$115. For information, call the Lane Community College Business Development Center at (541) 726-2255.

■ **1997 Oregon Women's Summit.** Lane Community College in Eugene is the site of the 1997 Oregon Women's Summit, entitled "Look at Oregon Through Women's Eyes." The event will be held Saturday, September 13 from 9:00 a.m. to 4:30 p.m. and features workshops on such topics as Family Policy, Influencing Decision Makers, Women and Credit, Dependent and Long-Term Care, Teen Pregnancy and Parenting, and Welfare Issues, to name a few. Registration is \$2 and includes a light lunch and beverages. For information, call Kappy Eaton at (541) 344-2027 or Alice Bartelt at (503) 246-0496.

■ **Socratic Teaching—A Feminist Issue?** Richardson School of Law professor Hazel Beh and Pennsylvania Law School Professor Lani Guinier have questioned whether women are at a disadvantage when the Socratic method of teaching is used in law schools. Although the two professors find the technique combative and question whether women learn better through a discussion model, some women disagree and resent the implied suggestion that women can't hold their own in an intellectual dialogue. If you have comments, contact Professor Beh at hazelb@hawaii.edu or (808) 956-6553.

■ **Professional Services Industry Guidebook.** A new guidebook to professional services, published by the Professional Services Coordinating

Council of Oregon, is free to members of Oregon Women Lawyers and the Oregon State Bar (both PSCC member organizations). This is the first directory of the PSCC and it promises to be an extremely useful one. The directory contains information about the member organizations and lists practitioners by area of expertise. To request a free directory, contact Diane Rynerson at (503) 221-2135.

■ **Bias-Free Attorney Evaluations.** Bullivant, Houser, Bailey, Pendergrass & Hoffman is one of several firms whose policies for improving the performance-appraisal process are featured in a new national publication, "Fair Measure: Toward Effective Attorney Evaluations." The manual, released by the ABA Commission on Women in the Profession, aims to help law firms and other employers eliminate gender bias in performance reviews and training. The manual examines stereotypes and barriers, such as differences between male and female modes of communicating, that sometimes undermine the evaluation of women's skills. Then it offers steps

employers should take to assure gender fairness in opportunities and evaluation. Copies are available for \$49.95 from ABA Publication Orders, P. O. Box 108921, Chicago, IL 60610-0892. Or call (800) 285-2221.

■ **CLE in England.** OWLS' joint conference with Great Britain's Association of Women Solicitors is set for Friday, July 24 through Sunday, July 26, 1998 in Cambridge, England. Call Sandra Smith Gangle (503) 585-5070 or e-mail her at sandrasg@open.org.

Our thanks to the following members for support at the Enhanced Sponsor Level (\$100-\$249) during the second quarter of 1997.

Susana Alba
Ann Chapman
David Hittle



1997 Oregon Women Lawyers Membership Application & Renewal

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QUEEN'S BENCH 50TH ANNIVERSARY HIGHLIGHTS

Come to Our 50th Anniversary Celebration Kick-Off!

Join us Tuesday, October 14, 1997 at 11:45 a.m. at the Crystal Ballroom at the Benson Hotel (where Queen's Bench had its first meeting) for our kick-off celebration of our 50th anniversary. We'll be selling our commemorative 1998 calendar—in plenty of time for you to stock up for your holiday gift giving. Mark your calendars now!

Order Your Commemorative 50th Anniversary Calendar

This handsome 16-month calendar (October 1997 through January 1999) features women who were central to the development of Queen's Bench. Net proceeds from calendar sales go to the Manche Langley Scholarship Fund. PRICE: \$15 plus \$3 for mailing and handling. Make your check out to Northwestern School of Law of Lewis & Clark College (Visa and MasterCard also accepted). Send your check or address your questions to Mary Sweeney, Northwestern School of Law of Lewis & Clark College, 10015 SW Terwilliger Blvd., Portland, OR. 97219-7799. Phone: (503) 768-6646; Fax: (503) 768-6671; e-mail: msweeney@lclark.edu

Contribute to the Manche Langley Scholarship Fund

The purpose of the scholarship is to recognize individuals, especially women, with superior integrity and intelligence, and to perpetuate and honor the legacy of Manche Langley, who in her illustrious career was the true embodiment of integrity and professionalism. To make contributions, please send a check to the school, to the attention of Scott Staff. Make the check out to Northwestern School of Law of Lewis and Clark College and designate this fund. For more information, contact Scott at (503) 768-6641.

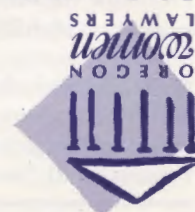
Queen's Bench *continued*

Oregonian article, they could "meet and subdue what frictions their competition and disagreements in public life might bring." These expressions reveal their foresight in forming an organization with values that would have continued meaning for generations to come. (The same values have been reiterated in the mission statements of Queen's Bench and OWLS and in OWLS' long-range plan.)

By understanding our heritage, we have a clearer picture of our role in the future. Queen's Bench is very proud of its lasting tradition of welcoming women to the profession and of providing a supportive forum for networking and making friends. We provide a benefit for OWLS members and we honor our founders in the best possible way by committing to pursue this tradition for the next 50 years—and longer!

Trudy Allen has been chair of the Queen's Bench History Committee since its inception in 1991 and now is the historian of Oregon Women Lawyers.

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