

# AdvanceSheet™

A NEWSLETTER PUBLISHED BY OREGON WOMEN LAWYERS

VOLUME 18, No. 1 WINTER 2007



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The **AdvanceSheet** is published quarterly by Oregon Women Lawyers, P.O. Box 40393, Portland, OR 97240.  
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## Markowitz, Herbold, Glade & Mehlhaf Receives OWLS Workplace Leader Award

At its Fall CLE on October 27, 2006, Oregon Women Lawyers recognized the law firm Markowitz, Herbold, Glade & Mehlhaf as the recipient of the first-ever OWLS Workplace Leader Award.

OWLS created the award to recognize legal employers who are taking innovative measures to maximize opportunities for women and minorities to succeed in the workplace and advance to positions of influence and leadership.

Markowitz, Herbold, Glade & Mehlhaf, a Portland litigation firm, was honored for its outstanding efforts to promote a healthy work/life balance by facilitating and respecting flexible time commitments to the firm, creating real opportunities for part-time lawyers, and committing to generous parental leave for all its employees.

These measures are all too rare in the legal profession, in which women and minorities face numerous barriers that may prevent them from advancing in their careers, such as long hours, unpredictable schedules, and partnership tracks



Leslie O'Leary (left), co-chair of the OWLS Transformation Committee, with Lynn Nakamoto, managing shareholder of Markowitz, Herbold, Glade & Mehlhaf, accepting the award.

that don't allow for part-time work. These challenges can be particularly difficult for women, who often bear primary responsibility for child rearing.

To put the award in perspective, OWLS President Norma Freitas says, "The legal profession is behind much of corporate America in recognizing that it helps the bottom line to create an environment that allows women—and men—to have a healthy balance between work and home lives." She adds, "With their flex-time and parental leave policies, Markowitz Herbold is helping to move the legal profession toward changes that allow attorneys to be involved parents and spouses, reduce job-related stress, and have meaningful lives outside of work."

Markowitz Herbold's practice of providing for flexible time commitments is particularly innovative, allowing lawyers to indicate each year how many hours they will commit to the firm. The firm respects that commitment and sets their pay accordingly—and lawyers generally work at the level they committed to work. While a lawyer's hours commitment will affect his or her pay, it is not a factor in partnership selection. In addition, all the firm's lawyers and staff (male and female) are eligible for three months' paid leave following

## Meet Supreme Court Justice Martha Walters

By Kathleen Hansa Rastetter

On October 9, 2006, Martha L. Walters was sworn in as the newest member of the Oregon Supreme Court, which had not included a woman justice since January 2003.

Justice Walters grew up in a large family in Grand Rapids, Michigan. As the eldest of five children born in seven years, she learned from her energetic mother that a "can-do" attitude takes one far. She also credits her mother with developing her interest in social issues. An active volunteer, her mother started a preschool program in Michigan before the days of Head Start. Her father, a chief operating officer for Herman Miller, Inc., taught her the importance of blending art with business and encouraged a great curiosity about the world.

*Continued on page 4*

*Continued on page 3*

## President's Message



Norma Freitas

The holidays may be over, but I am still in the mood for celebrating. Last year at this time, the Oregon Supreme Court did not have a single woman justice. Now we have two! Congratulations to Virginia Linder for making Oregon history—she is the first woman to win in a contested race for our top court. I hope that Justice Linder's experience will inspire all of us to reach for that prize we have always wanted, to take the chance, to have confidence in ourselves and our abilities.

Mid-winter in Oregon (in odd-numbered years at least) brings the Oregon legislature to Salem. Occasionally, I speak with an OWLS member who wonders why we are not taking a position on a particular issue. Our mission is to transform the practice of law and ensure justice and equality by promoting women and minorities in the legal profession. Whatever OWLS does is measured against this standard. We have tended to restrict our activities to events and services that directly affect our mission. The Workplace Leader Award, the Mentoring Circles, and the Fall and Spring CLEs are all examples. Sometimes I wonder, though, whether we are limiting ourselves unnecessarily. Should we be doing more to ensure better parental leave policies? What about child care? Do our members struggle under student loan payments that negatively affect their employment choices? We are interested in hearing from you; let me or any other board member know how you feel.

We will be doing more celebrating at our annual Roberts-Deiz Awards Dinner on March 9 at the Governor Hotel in Portland. If you attend only one OWLS event, make it this one. The first thing I like to do is check out all the wonderful items up for bid in the OWLS Foundation Auction. The handmade jewelry and artwork, the weekend getaways, the different gift baskets, the fabulous dinner parties, and much more, are always so tempting. Watch out, the bidding can be fierce. This year's award recipients are Judge Mary Deits and Justice Wallace Carson. Mark your calendar—this is sure to be a sell-out event. I look forward to seeing you there.

Norma Freitas, OWLS President

## OWLS Board of Directors Seeks Candidates

This spring, the 21-member Oregon Women Lawyers Board of Directors will have several openings. If you would like to play a leadership role in OWLS' work transforming the practice of law, consider serving on the board of directors. Board members provide financial oversight and strategic direction, helping to shape the future of OWLS policies and programs. Each board member is asked to participate actively on at least one working committee.

As a statewide organization, OWLS is actively seeking board members from outside the Portland metro area. Regional representatives serve as liaisons to our chapters and help OWLS understand and serve the needs of women attorneys around the state. Board elections take place in April, with new members taking office in May 2007 for a three-year term. Meetings are held eight times a year on Saturday mornings.

If you would like to help guide OWLS through the coming years—and also form valuable connections with other attorneys around the state—please contact OWLS President-elect Kellie Johnson at 503/988-3593 or [kellie.johnson@mca.us](mailto:kellie.johnson@mca.us).

### Wear Your OWLS Affiliation on Your Sleeve

... Or, more accurately, on your lapel—by wearing one of our new OWLS t-shirts. Designed by OWLS staffer Linda Tomassi, these white 100% cotton t-shirts feature the OWLS logo. Short sleeve t-shirts (sizes S-XXL) are \$12; long sleeve t-shirts (sizes S-XXL) are \$16. The shipping cost is \$2.50 per shirt. For an order form, please email Linda at [linda@oregonwomenlawyers.org](mailto:linda@oregonwomenlawyers.org).



On November 2, the Coffee Creek Correctional Institution honored Cecil A. Reniche-Smith for her role in the 2006 OWLS book drive, which yielded about 2,600 books. The superintendent's letter of commendation said, "Quality reading material gives inmates a positive way to spend their free time, increases their mental and educational capabilities, and expands their imagination." Many thanks to everyone who contributed books.

## OWLS Contract Attorneys Will Meet Monthly

By Bonnie Cafferky Carter

Would you like to connect with other OWLS contract attorneys? Come join us at the revitalized OWLS contract attorney brown bag lunch. The lunch meetings will be held on the third Wednesday of every month, from noon to 1 p.m. in the conference room at the Multnomah County Law Library Annex, which is in the Standard Insurance Building at 900 SW Fifth Avenue in downtown Portland.

The first meeting was scheduled for January 17, after we went to press. The scheduled speaker was Kathy Foldes, a longtime successful contract attorney and the former coordinator of the OWLS contract attorney lunches.

At these meetings, contract attorneys can share tips, compare notes on projects, and support each other in charging the going rate for services. OWLS members interested in becoming contract attorneys are also welcome.

So bring your own lunch (fast food restaurants are on the building's ground floor), your questions, and your stories. Or just come for camaraderie and cookies.

**Bonnie Cafferky Carter**, a sole practitioner and contract attorney in West Linn, organizes the OWLS contract attorney lunches.

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

# The Genesis of the OWLS Workplace Leader Award

By Barbara Smythe

“Sometimes small changes can have a big impact,” says Lynn Nakamoto, managing shareholder of the law firm Markowitz, Herbold, Glade & Mehlhaf. Nearly 15 years after the first Justice Betty Roberts and Judge Mercedes Deiz awards were presented, Lynn’s well-respected litigation firm has become the inaugural recipient of a new OWLS award: the Workplace Leader Award.

While the Roberts and Deiz awards recognize individuals who have made contributions to the advancement of, respectively, women and minorities in the legal profession, the Workplace Leader Award approaches the challenge of equality from a different angle. It honors employers who have contributed to structural change within the profession that makes success more attainable for those who don’t fit the traditional mid-20th century mold of the hard-working man in the gray flannel suit who has a Donna Reed equivalent at home making sure his personal life does not interfere with his career.

The OWLS Transformation Committee, which initiated the award and selected the recipient, focused on the firm’s flexible, moderate time commitments; its practice of providing real opportunities for part-time lawyers; and its paid parental leave for both parents.

## Award *continued from page 1*

the birth of a child. This is significantly longer than the leave typically offered by legal employers, and it extends to parents of both genders.

A significant amount of credit for creating a culture of possibility for women and minorities at Markowitz Herbold goes to the late Barrie Herbold. A mother, activist, and founding partner of the firm, Barrie lost her battle with cancer in 2001, yet her efforts to transform her beloved profession continue to have an impact on the Oregon legal community. Managing shareholder Lynn Nakamoto has also been a leader in the effort to advance the cause of women and minorities in the law.

OWLS congratulates Markowitz Herbold for its groundbreaking policies. They inspire us as we work to make these innovations the norm, rather than the exception, in the practice of law.

**Catherine Ciarlo and Barbara Smythe** contributed to this article.

OWLS created the Transformation Committee in 2004, following a board retreat at which the organization’s mission statement was revised to include “transforming the legal profession” to remove structural barriers to the advancement of women and minorities. With such a broad, even overwhelming, mission, the committee met regularly for about a year to discuss possibilities before choosing its initial course of action.

While recognizing that many dark corners need to be lit, the committee decided, nonetheless, to focus on the positive. “We’re taking the carrot—rather than the stick—approach,” with the Workplace Leader Award, said Mary Bruington, who co-chairs the committee with Kellie Johnson and Leslie O’Leary. The committee decided that the award would recognize a legal employer who is making innovative and effective efforts to promote any of the following values:

- ♦ a healthy balance between work and life;
- ♦ acquiring and maintaining a diverse workforce; and/or
- ♦ maximizing opportunities for wom-

en and minorities to succeed in the workplace and advance to positions of influence and leadership.

The award is not a general seal of approval, but a recognition of specific practices that contribute to transformation of the legal workplace.

In February 2006, the committee finalized these criteria and announced that it would accept nominations until June 1. Rigorous scrutinizing of the candidates followed, including interviews with current and former employees of nominated organizations. The committee concluded its investigative process in October.

While Markowitz Herbold is, says Lynn, “very proud to have received the inaugural Workplace Leader Award,” she sees much of the value of the award in its potential to communicate best practices within the legal community. “We applaud OWLS for taking the lead in bringing best practices to light,” she says, “so that we all might learn from each other, and transform the legal profession for the better.”

**Barbara Smythe** is an attorney at Klarquist Sparkman in Portland.



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## Justice Martha Walters

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Photo by Jack Liu

As an undergraduate, Justice Walters studied sociology at the University of Michigan at Ann Arbor. She then moved to Eugene, Oregon, for the "adventure," noting that it was the 1960s. She worked in day care, believing that the easiest way to effect change was to start with children. After a few years, however, she realized that children come with parents, who present a different challenge. Deciding that she needed a larger knowledge base to bring about change on a large scale, she enrolled in the University of Oregon School of Law. She loved law school, noting that it was the first time she was challenged academically.

Justice Walters graduated from law school in 1977 and began working for Johnson, Harrang & Mercer in Eugene. In addition to doing plaintiff's personal injury work, she practiced business and city law, providing municipal advice for the cities of Eugene, Drain, and Gold Beach. She credits the firm with providing her with wonderful experience: the firm allowed young lawyers to take a case, work it up, and take it to trial. She developed her interest in employment law this way, through one of her early cases.

Justice Walters cites her partner Les Swanson as one of her great mentors, along with her parents. She started her own firm with Swanson in 1985. When he moved to Portland, she started a firm with two women who shared her values. Suzanne Chanti and Jackie Rommboth had children, and they all helped each other balance home and work life, covering for each other as needed. The men who later joined the firm shared their view that family comes first.

Justice Walters is married to legal aid lawyer John Van Landingham. They have two children, Johnny Van Landingham and Cassidy Walters. Early on, the couple agreed to name their children

this way, and Justice Walters kept her name. Johnny, now 22, recently graduated from the University of Chicago. He works in Jersey City, New Jersey, as a science educator at the Liberty Science Museum. Cass is a student at Whitman College, studying international and public policy issues, with an eye toward working in nonprofit administration.

Now that her children are older, Justice Walters would like to spend her free time hiking and reading. She took a Russian language course when Johnny took Russian, and wishes she could read Russian poetry. She also likes the poetry of William Butler Yeats and Seamus Heaney.

Justice Walters hopes to bring her perspective as a private-practice female litigator and small business owner to the Supreme Court. She expects that the lessons she learned from representing individuals and seeing how they were affected by the legal system will also be helpful. She is excited about this new opportunity to learn about the law from the other side of the bench.

Justice Walters has been active in the National Conference Committee for Uniform Laws for 14 years. The group drafts laws for passage by states where uniformity is desirable; it has developed the Uniform Commercial Code, the Uniform Child Custody Jurisdiction Act, and the Uniform Trust Code, to name a few. Her experience drafting legislation gives her yet another talent that will serve her well in her new role as a Supreme Court justice.

Her advice to young lawyers is simple: try not to worry about making money, and focus instead on how you can help people. She notes that being a lawyer provides fabulous opportunities to help people while learning about interesting issues.

Justice Walters hopes to get out into the community and learn more about how the justice system affects people. She wants to know what people think about their experience with the courts, and she wants them to know what the courts are doing. She is also committed to the OWLS mission and hopes to be active in spreading its message of helping women and minorities succeed in the legal field. OWLS extends its warmest congratulations to Justice Martha Walters on her appointment to the Oregon Supreme Court.

**Kathleen Hansa Rastetter** is an assistant county counsel for Clackamas County.



*Celebrating after the investiture are (from left to right) Kathleen Hansa Rastetter, Judge Marilyn Litzenberger, Justice Linder, and Terri Kraemer*

## Linder Joins Court

Virginia Linder's investiture as justice of the Oregon Supreme Court was held on January 4. Elected in November, Linder fills the seat of retiring Justice Wallace Carson. Former Justices Carson, Susan Graber, Jacob Tanzer, and Betty Roberts were present at the investiture. Speakers included Gov. Ted Kulongoski, Roberts, and Hon. David Brewer. Brewer, chief judge of the Oregon Court of Appeals, praised Linder for her strong work ethic, noting that she remained active on the Court of Appeals through 2006, hearing her last oral arguments on December 28. Congratulations, Justice Linder!

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# Justice Wallace P. Carson, Jr., and Judge Mary J. Deits To Be Honored at Roberts-Deiz Dinner on March 9

By Aruna Masih

Judge Mary J. Deits, former chief judge of the Oregon Court of Appeals, has been selected to receive the Justice Betty Roberts Award for the promotion of women in the law, and Justice Wallace P. Carson, Jr., former chief justice of the Oregon Supreme Court, will receive the Judge Mercedes Deiz Award for promotion of minorities in the law. The award recipients will be honored at the 15th annual OWLS Roberts-Deiz Awards Dinner, on March 9 at the Governor Hotel in Portland.

**Judge Mary J. Deits** has served not only as one of Oregon's first women appellate judges, but also as a respected role model, advisor, and friend to many of Oregon's best women lawyers. One lawyer noted that "working with Mary, I learned to trust my abilities and stand on my own 'legal feet.' Perhaps more importantly, I learned that effectively asserting your opinions and staying true to your own style is not inconsistent with collaboration and fostering good will." Another noted, "Judge Deits is not one of those people who tells you how to succeed. She shows you. Her example speaks more forcefully and more eloquently than any lecture."

Judge Deits was the second woman to serve as a judge on the Oregon Court of Appeals, after Justice Betty Roberts herself. Once on the Court of Appeals, Judge Deits earned the respect of her peers and became the only woman to serve as chief judge of that court. She also earned the position of president of the national Chief Judges Association.

As chief judge of the Court of Appeals, Judge Deits instituted many innovative programs that helped make our court a national leader. For example, she developed and promoted the appellate mediation program, which is now nationally recognized. She also expanded the appellate school-outreach program: approximately once a month, a panel of the court's judges hears arguments in a high school away from Salem. "This effort gives the students the opportunity to see the court and the lawyers in real work. On most occasions, one or more of the panel and the lawyer advocates are women. It is a most appropriate role-modeling experience for the students," wrote one nominator.

All who have had the opportunity to work with Judge Deits are struck by her class, skill, aplomb, and sincere humility. A nominator noted that "one of the most impressive things about Mary is humility and utter lack of self-promotion. She has never trumpeted her accomplishments but, instead, has been a strong, resolute leader in Oregon's judiciary who has been content to let others take the credit." Another noted that "in countless

ways, some big and some small, Mary brought about a major shift in court culture. I doubt she consciously set out to do that. But I am confident that she aimed to be approach-

able, to make everyone feel valued, to make institutional decisions that took into consideration the views of those affected, and to do all of that for the common good, rather than for her personal prestige. In doing so, she has been an undeniable agent of change."

OWLS is proud, therefore, to recognize Judge Deits's contribution to our legal community and to women in our profession by awarding her the 2007 Justice Betty Roberts Award.

**Justice Wallace P. Carson, Jr.**, in the words of his nominators, "is a quiet, yet constant, presence in the lives and careers of many minority attorneys and law students. In his presence, we find support, comfort and, most importantly, a place for us in Oregon."

As chief justice of the Oregon Supreme Court, Justice Carson ensured that there was adequate funding for the Task Force on Ethnic Issues. After the task force issued its report, Justice Carson appointed a committee, chaired by Oregon Supreme Court Chief Justice Paul DeMuniz, then a judge on the Court of Appeals, to implement the task force's recommendations. "The committee did an outstanding job in meeting its charge, and Chief Justice Carson did everything asked of him to ensure success," noted a participant and nominator. Today the committee continues, with the same responsibility,

and is called the Access to Justice Committee. Committee members note that Justice Carson's "commitment continues to this day."

For the last five years, Justice Carson has also responded faithfully to calls for assistance from the Oregon State Bar Affirmative Action Program's Opportunities for Law in Oregon (OLIO) program. "He has left his various demands in Salem to meet minority law students at an orientation in Central Oregon. He recognizes the value of OLIO and what these students will bring to Oregon. And the students recognize and appreciate the unique opportunity of meeting one-on-one with the Chief Justice of the Supreme Court," wrote a nominator.

Justice Carson also frequently lends his support and presence to events organized by the Oregon Minority Lawyers Association (OMLA). "He personally calls to apologize when his schedule prohibits his attendance. We see him time and time over again," noted an OMLA officer. "During the reauthorization of the Affirmative Action Program earlier this year, Justice Carson's presence brought a sense of strength to those of us working to ensure the future of the program. His presence has in fact become a fixture of our lives and our careers. He does not do these things out of a sense of obligation, but rather because he has a sense of what is right. Law students and attorneys of color can recognize his commitment to our success and view it as a reflection of the Oregon legal community. He will be greatly missed but his legacy will live on in those of us he has supported throughout the years."

As he steps off the Oregon Supreme Court, after a long and distinguished career, OWLS is pleased to recognize Justice Carson's considerable contribution to the promotion of minorities in our community by awarding him the 2007 Judge Mercedes Deiz Award.

**Aruna Masih** is an attorney at Bennett, Hartman, Morris & Kaplan in Portland.



Justice Carson



Judge Deits

# Fall LEG-Up Events Are Enlightening

By Susan O'Toole

The OWLS October and November LEG-Up events showcased the diversity of OWLS members and their interests. In October, issues facing lesbian lawyers were discussed; November's event featured a fashion show to benefit Dress for Success.

The speakers at the October 12 LEG-Up, hosted by Davis Wright Tremaine, were Beth Allen and Katie Lane. They began by discussing the paths they have taken as lawyers and their fields of law. Beth is a partner in Allen<sup>2</sup> Law, where she practices employment law. Her path began at Willamette University College of Law and took her to a Court of Appeals clerkship and then to Lane Powell, where she worked as an employment and litigation attorney before establishing her own firm. Beth has been a board member of both women's and gay rights organizations, and has participated in recent lawsuits challenging the rights of gays and lesbians to marry.

Katie is an assistant county attorney with the Multnomah County attorney's office. Her practice emphasizes library law, civil rights, information technology

contracting, client training, and education. Katie attended Lewis & Clark Law School and has also participated in litigation advocating for gay and lesbian rights. She serves on the board of directors for the Young Lawyers Section of the Multnomah Bar Association.

Beth and Katie discussed issues facing lesbians who practice law and the effect that being gay has had on their careers. They agreed that although problems exist in some areas, Portland is a friendly city for lesbians to live in. They noted that the progress made by other lesbian lawyers and judges in Oregon has paved the way for newer lesbian lawyers. Many thanks to Davis Wright Tremaine for providing scrumptious appetizers and a beautiful setting for this meaningful conversation.

The November 9 LEG-Up event took place at the offices of Talbot Korvola & Warwick (TKW), a CPA and consulting firm. The event featured a fashion, make-up, and hairstyling show to benefit Dress for Success, whose mission is "to promote the economic independence of disadvantaged women by providing



Beth Allen (left) and Katie Lane

professional attire, a network of support and the career development tools to help women thrive in work and in life." TKW provided a beautiful setting, delicious appetizers, and a true sense of hospitality.

The fashion show began with presentations on hair and make-up. Representatives of Pigment Salon in Portland showed easy holiday hairstyles, while Rebecca Walker and her make-up consultants did the make-up for some of the show's models and presented information on Arbonne products. Next, OWLS members modeled clothes from various clothiers around Portland, along with hairstyles done by Pigment Salon. Beautiful outfits from Chico's and Catherine's were shown by OWLS models, while Carlisle and Doncaster consultants showed their fabulous clothing.

OWLS members donated many professional outfits to Dress for Success, including one anonymous member who donated clothing worth over \$5,000. OWLS salutes all those who participated in the fashion show and who donated, and sends a special thanks to TKW for the use of its facilities. The fashion show was a huge success, and according to the OWLS Leadership Committee, it will become an annual event to benefit Dress for Success. Start saving your clothing now!

*Susan O'Toole is an attorney at Rizzo, Bosworth & Mattingly in Portland.*

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## Videotapes Available OWLS 2006 Fall CLE

Thanks to the generous sponsorship of Naegeli Court Reporting, we now have videotapes of the OWLS 2006 Fall CLE, "The Woman Advocate," available to check out. If you missed the conference in October but would like to review the video and apply for CLE credit, please contact the OWLS office at 503/595-7826 or [catherine@oregonwomenlawyers.org](mailto:catherine@oregonwomenlawyers.org).

# Speakers Offer Advocacy Tips at Fall CLE

By Laura B. Rufolo and Hon. Jill Tanner

On Friday, October 27, almost 100 attorneys and judges gathered for the OWLS Fall CLE, "The Woman Advocate: Techniques and Strategies for Successful Advocacy and Practice Management." Attendees heard from a star-studded group of presenters on topics designed to strengthen advocacy and litigation skills.



Laura Dominic (left) and Joyce Tsongas

A successful litigator's top priority is to effectively "get the intended message to the intended recipient," according to Joyce Tsongas, the founder and principal of Tsongas Litigation Consulting and a keynote speaker at the conference. Laura Dominic, a senior consultant at Tsongas Litigation Consulting and a co-presenter with Joyce, pointed out that how you say something is often more important than what you say.

Laura postulated that communication patterns fall within a continuum from feminine (passive, tentative, subservient, and powerless) to masculine (dominant, aggressive, assertive, and powerful) and suggested ways to make your presentation more powerful: stand up straight, fill the allotted space, project loudly, and avoid straining your vocal cords. Since eye contact is one of the key indicators of credibility, don't avert your eyes when presenting your case.

Of course, Joyce concluded, effective communication skills are not gender based; women and men follow the same rules. Both sexes, however, typically find some rules harder to follow than others.

Joyce offered several tips for developing a more effective advocacy style:

- ◆ Perform a realistic self-evaluation; consider viewing a videotape of yourself in a mediation or advocacy situation.
- ◆ Seek and consider all feedback

from peers, judges, and opposing counsel.

- ◆ Design an improvement strategy without setting perfection as the ultimate goal.
- ◆ Focus on one skill at a time, for example, making an oral argument before a judge.
- ◆ Find role models and study them!
- ◆ Deal with stage fright. Capitalize on your fear of failure to enhance your preparations.
- ◆ Appreciate and leverage your own unique style. Be yourself!
- ◆ Support other women advocates and volunteer to help others.

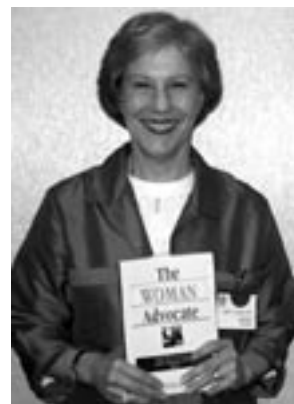
After the keynote speech, the program focused on four major areas of practice: women in the courtroom, negotiation, depositions, and client management. Panelists for "Women in the Courtroom" were Hon. Carol Jones, Yamhill County Circuit Court; Hon. Eve Miller, Clackamas County Circuit Court; and Susan Isaacs, executive director of the Commission on Judicial Fitness and Disability. They drew applause for the concept that women have strengths that should be cultivated and used to strategic advantage—not changed or left at the courthouse door. Women, for example, are often superb at reading unspoken cues, developing relationships with their clients and with judges and juries, and "taking the ego out of advocacy."

In "Negotiation: The Art of Agreement," Hon. Ann Aiken, U.S. District Court, and former Oregon Supreme Court Justice Susan Leeson offered practical tips for lawyers using mediation. They discussed how mediation can result in solutions that both sides can live with, and they offered strategies on how to arrive at those solutions.

The panel presentation "Effective Deposition Techniques" was engaging and useful, emphasizing preparation, preparation, and preparation. Panelists Deanna Wray, a partner at Bodyfelt Mount Stroup & Chamberlain, and Leslie O'Leary, a partner at Williams Love O'Leary Craine & Powers, offered ideas on how to review and critique a case, including witnesses, and reminded everyone to check electronic resources such as Google and Myspace.com.

Finally, Chris Mullmann, of the Oregon State Bar's client assistance office, and Andrea Anderly, a partner at Gevurtz

Menashe, addressed the topic "Managing Client Relationships." They emphasized good communication, a complicated but necessary element



Hon. Susan Leeson

in any attorney/client relationship. Chris pointed out that in 2005, the number-one complaint made to his office concerned the failure of attorneys to communicate. The panelists also addressed obtaining appropriate fee agreements and creating realistic client expectations at the beginning of the case.

Oregon Women Lawyers extends a special thank-you to all who contributed to make this event successful—it was an entertaining, educational afternoon.

*Laura B. Rufolo is an associate at Johnson Renshaw & Lechman-Su in Portland. The Honorable Jill Tanner is the presiding magistrate at the Oregon Tax Court, Magistrate Division, in Salem.*

**OWLS is grateful to the following sponsors for making the Fall CLE possible.**

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The 74th Legislative Assembly looked different when it convened on January 8. The November election results surprised some, but not all, as Governor Ted Kulongoski swept to re-election, beating Ron Saxton, the strongest Republican candidate fielded in years. Following the national trend, Democrats took control from Republicans of the Oregon House for the first time in almost two decades and retained their hold on the Oregon Senate.

The election resulted in Democrats acquiring a 31–29 majority in the House, after which the new House leadership organized quickly to elect Rep. Jeff Merkley as speaker and Rep. Dave Hunt as majority leader. House Republicans chose Wayne Scott as minority leader. Rep. Mary Nolan, D–Portland, will take the helm as House co-chair of the Joint Ways and Means Committee.

In the Senate, the numbers are similar to those in 2005, with 18 Democrats, 11 Republicans, and one Independent. One post-election development that has served to solidify the Democratic numbers in the Senate was the decision of Senator Ben Westlund, who ran as an Independent in the gubernatorial race, to switch parties and become a Democrat. Key Senate leadership positions remain



By Susan Evans Grabe

unchanged, with Peter Courtney returning as Senate president, Kate Brown as majority leader, Kurt Schrader as Joint Ways and Means Committee co-chair, and Ted Ferrioli as Republican leader.

All this change came as the new state economist forecasted positive news, which translates into added state tax revenue. Lawmakers returning to Salem in January for the 2007 legislative session should have another \$200 million or so in discretionary revenue to spend.

This comes as welcome news to the governor, who proposed an ambitious 2007–09 budget to the legislature. The governor's budget includes a significant increase in funding for the judicial branch. After years of serious underfunding, the governor has proposed increases in general fund support of about 20%

over 2005–07 levels for both the Judicial Department and the Public Defense Services Commission, so that longstanding needs can be addressed.

Democrats nationally and in Oregon touted their victories in the November election as a signal for change. Democrats, who now control the governorship and both houses of the legislature, are expected to advance bills to stabilize K–12 school funding, address access to health care, and invest in higher education and transportation infrastructure. Other issues likely to be addressed by the legislature include transparency in quality of health care facilities (e.g., infection and error rates), identity theft, health care provider liability, and ethics reform.

Issues of significance for the bar and the justice system will include the need for additional state funds for the operation of court facilities, judicial salaries, indigent defense, civil legal services, and technology improvements.

The changes in Salem have led to some speculation that Democratic control might translate into tax increases. The Democratic majorities in both the House and Senate, however, are probably too thin to allow them to drive through tax measures, which require a three-fifths majority to pass. Democrats are likely to push for an increase in the corporate minimum tax and suspension of the corporate income-tax kicker to boost the state's rainy-day fund.

The legislative committees that most directly affect the justice system are the two judiciary committees and the Joint Ways and Means Public Safety Subcommittee, which has jurisdiction over the budgets of the Judicial Department, Public Defense Services Commission, Department of Corrections, Department of Justice, and district attorneys. The chair of the Public Safety Subcommittee is Rep. Chip Shields (D–Portland). Senator Ben Westlund (D–Tumalo) is vice chair.

Senator Ginny Burdick (D–Portland) chairs the Senate Judiciary Committee; Roger Beyer (R–Molalla) serves as vice chair. Rep. Greg Macpherson (D–Lake Oswego) chairs the House Judiciary Committee; vice chair is Rep. Gene Whisnant (R–Sunriver). Committee members are listed at [www.leg.state.or.us/comm](http://www.leg.state.or.us/comm).

Legislative summaries and the text of proposed bills in which the Oregon State Bar is particularly interested are available on the bar's website at [www.osbar.org/pubaffairs/2007proposals.html](http://www.osbar.org/pubaffairs/2007proposals.html).

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



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# ABA Issues Report on Women of Color in Law Firms

By Hon. Adrienne C. Nelson

**V**isible Invisibility: *Women of Color in Law Firms*, a report recently issued by the American Bar Association (ABA) Commission on Women in the Profession, discusses the experiences of women of color in law firms today. The report is a follow-up on the National Association of Law Placement (NALP) statistics regarding women attorneys of color and the report *The Burdens of Both, The Privileges of Neither*, which describes the ways in which the combination of being an attorney of color and a woman is a double negative in the legal marketplace.

*The Burdens of Both, The Privileges of Neither* led the ABA Commission on Women in the Profession to launch its "Women of Color in the Legal Profession Research Initiative" in 2003, a comprehensive study of the unique experiences and concerns of women of color in private law firms with at least 25 attorneys. *Visible Invisibility* is the culmination of that study, which included a national survey and focus groups.

In the survey, male and female lawyers from majority and minority backgrounds were asked a range of questions about their career experiences, salaries, and decisions to stay in law firms or to leave for other opportunities. The responses of women of color were compared to those of white men, white women, and men of color to determine how their careers differed and to what extent. Men of color and white women served as a frame of reference, indicating the career impact of having one minority status instead of two. The national survey included men and women of color who were African American, Native American, Hispanic/Latina, Asian, or of mixed background. The focus groups, composed only of women of color, provided a more detailed picture of the career experiences of women attorneys of color.

The career experiences of the women of color differed dramatically from those of the men of color and the white women. Overall, women of color experienced more demeaning comments or harassment than their counterparts and had to disprove more negative preconceived notions about their legal abilities and their commitment to their careers.

The study showed that women of color in law firms were excluded from informal and formal networking opportunities and

did not have meaningful mentor relationships. This translated into less desirable assignments and fewer substantive contacts with clients. This caused their experiences to lag behind their counterparts', limiting their advancement potential and career objectives, as well as their ability to meet billable hours requirements.

Women of color also reported that they met with clients only when their race or gender was a benefit to the firm, and they frequently were not given a substantive role in those meetings. They felt that the limited access to client development opportunities kept them from developing business contacts they could use to develop a book of clients or resources for finding subsequent positions.

A much higher percentage of women of color than white men felt that they received unfair performance evaluations, which denied them the opportunity to correct deficits and gain experiences that could lead to promotions and partnership. The women of color believed that sometimes their accomplishments were ignored by the firm or were not as highly rewarded as those of their peers, and that sometimes their mistakes were exaggerated.

The study showed that although attorneys of color made less money than their white counterparts, the salary differences were not statistically significant. Salary was a high priority for many women of color because they were the primary or sole providers in their families.

In addition to the challenges women of color faced in their legal careers, they also reported that they could not "be themselves"; they downplayed and homogenized their gender and racial/ethnic identities. Some women of color tried to act like men in their firms, only to be

labeled in an unflattering manner. Others played down their femininity and tried to "mannify" themselves. Many women of color complained that they often felt invisible or mistaken for persons of lower status, such as secretaries, court reporters, and paralegals.

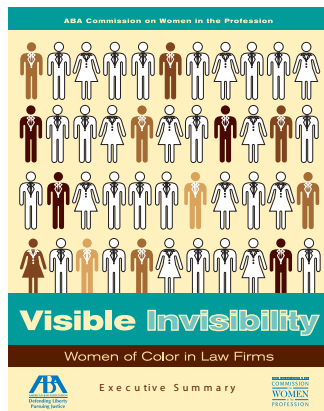
The stress of second-class citizenship in law firms led many women of color to reconsider their career goals and commitment and to leave their law firms. Many women of color left firms to work in settings (especially corporations) that were lucrative, where they thought others' decisions about their careers would be based on merit and less idiosyncratic, and where they had more flexibility to balance personal life, family, and work.

The study showed that the careers of white women attorneys and men attorneys of color were neither as disadvantaged as those of women attorneys of color nor as privileged as white men's. Based on this research, the ABA Commission on Women in the Profession made the following seven recommendations to improve the experience of women attorneys of color in law firms and to improve law firms' diversity efforts:

1. Address the success of women of color as a firm issue not a women of color's issue.
2. Integrate women of color into existing measurement efforts.
3. Integrate women of color into the firm's professional fabric.
4. Integrate women of color into the firm's social fabric.
5. Increase awareness of women of color's issues through dialogue.
6. Support women of color's efforts to build internal and external support systems.
7. Stay compliant with anti-discrimination and anti-harassment policies and hold people accountable for noncompliance.

In future reports, the ABA Commission on Women in the Profession plans to address issues for women of color in the public sector, solo practice, and corporations. The commission hopes that this report spurs further conversation and action, and serves as a catalyst for law firms to take a hard look at their current practices and to make improvements.

*The Honorable Adrienne C. Nelson is on the Multnomah County Circuit Court.*



# It's All in the Family

By Teresa Statler

What's it like to practice law with your mother? Or, for that matter, with your father, brother, or in-laws? The Oregon bar has several family-based law firms, including the Hungerford Law Firm in Oregon City, Welch & Kohlhoff in Portland, and the Paulson Law Firm in Portland. Members of these firms report that keeping the practice all in the family is, in general, very satisfying and a good career move, allowing for variety and flexibility.

All five family members and partners of the Hungerford Law Firm are graduates of Lewis & Clark Law School in Portland. Theirs is the only firm in Oregon specializing exclusively in school law and public sector law. The firm was founded in 1981 by mom Nancy, who was previously a teacher and small business owner. Nancy was a sole practitioner for 14 years and never anticipated practicing law with her children. While Nancy attended law school at night, her children, Andrea and Brian, were in elementary school, and they often accompanied her when she went to the library to do research. Laughing, Nancy says that's how the law got into their blood.

In later years, Andrea and Brian learned more about their mother's law practice, but she says she never especially encouraged either to be a lawyer. Nonetheless, both Andrea and Brian earned environmental law certificates at Lewis & Clark.



Nancy Hungerford

After passing the bar, Andrea liked the idea of working with her mother and her clients, so she thought she'd try that for a while. Now she can't imagine practicing law any other way: "There's no [other] way I would feel more supported." Both mother and daughter like the more independent lifestyle that their family partnership allows. Andrea also says that practice within the family is "a good dynamic, because a lot of practicing law is strategy and talking it out."

Now mother, daughter, and son practice together, each out of a home office. (Just over a year ago, they closed their firm office in Oregon City, deciding that it was not necessary.) Recent additions to the firm include Andrea's husband, Richard Cohn-Lee, in 1999, and Brian's wife, Jennifer, in 2002.

Each of the five partners has his or her own area of specialty. Brian and Jennifer, who are the parents of year-old twin girls, focus their practice on employment law issues. Andrea and Richard, parents of three young girls, often handle hearings and other litigation, and often do so together. Andrea reports (unsurprisingly!) that child care can be an issue when she and her husband are away from home together on firm business. And they can't just call Grandma, of course, because she may be out of town on firm business, too!

Jennifer Hungerford joined the firm after five years representing plaintiffs at a small firm. She says, "At every family gathering, they were always talking about work. I wanted to be part of that." She likes the clients and the flexibility of working from home, and she enjoys practicing law with her husband.

One downside to a family firm is finding coverage during family vacations.



Elizabeth Welch (l) and Theresa Kohlhoff

As Nancy puts it, "If you want to have a family vacation together, often there's nobody left to handle things." And Andrea, the firm's managing partner, says that questioning her brother or husband about the number of hours billed on a matter can be awkward at times.

Nancy's advice to others thinking of a family practice: "You have to like each other and get along. You need to have clear ideas of each person's role, and you need to be flexible." Or, as Jennifer says, "It takes the right family—and I found the right family!"

Like Nancy Hungerford, Theresa Kohlhoff was a mom with small children who went to law school. Unlike Nancy's, however, only one of Theresa's four children followed her into the law, her youngest daughter, Elizabeth Welch. On June 10, 2006, Theresa and Elizabeth opened their north Portland law office: "Kohlhoff & Welch, Attorneys at Law, A Mother Daughter Partnership." This wording appears on their business cards, office signs, and marketing materials. Clearly, both are proud to be mother and daughter, practicing law together. "In a practice like ours," Theresa says, "you remain a family member, even in the office."

Theresa, who had been a sole practitioner since 1980, finds practicing with her daughter to be a major adjustment in her professional life, but still a good move. For the previous five years, she had practiced out of her Lake Oswego home, handling a variety of matters, including lien foreclosures, termination of parental rights, and appeals. Before that, she practiced in Wilsonville and Philomath. Now she finds her professional life "perfect."

Both mother and daughter are, in Theresa's words, "intense, organized, and detailed." It thus seemed natural to her that they would someday practice together. She sees it as a continuation of their family life. Theresa remembers that Elizabeth "was six when I started my law practice, and has grown up around

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it. She also always loved to play 'office' as a little girl."

Elizabeth remembers her mother commuting to Lewis & Clark Law School from Philomath. "Sometimes, she had to take me with her. I'd sit in the classroom quietly and play with my toys." After graduating from college in 1997, Elizabeth worked for her mother as a legal assistant and later, while in law school, for a plaintiff's personal injury attorney. After passing the bar in February 2006, she started looking for work. Elizabeth says: "My stepfather had just bought the office building in north Portland. My mother was showing me around one day and sort of jokingly said, 'Here's your office.'" At the time, Theresa was thinking of scaling back her practice. Instead, the two ended up going into practice together, with a goal of serving the St. John's community. The partners hope their practice will grow, especially in the areas of plaintiff's personal injury, conservatorships, and estates and trusts.

As a new lawyer, and the single mother of a four-year-old, Elizabeth (an OWLS member) finds practicing law challenging at times. She says she feels incredibly fortunate to be in practice with her mother and to have her support. As for advice to others who want to practice in a small family firm, Elizabeth recommends that you assess whether you can stand your own ground with the family member in question. She says that you truly need to be able to say no when necessary.

Another self-described "lucky" lawyer is OWLS member Jane Paulson. Jane practices law in Portland with her father, Chuck. They handle plaintiff's personal injury and medical malpractice cases at their two-person firm, the Paulson Law Firm.

Jane joined her father's already established practice in 1995, after clerking for a federal judge and working for several years at a defense firm. She found this prior legal experience quite important—it gave her the confidence to be partners with her very experienced and well-respected father. She also believes that it gave her more of an appreciation of what her dad's professional life had been.

Like Nancy Hungerford, Jane suggests that before going into practice with a family member, you be sure you like each other and get along, both socially and professionally. "We work well together, and we have complete trust in each other," she says.

**Teresa Statler**, a sole practitioner in Portland, practices immigration law.

## Meet OWLS Board Member Dana Forman

By Kathleen Hansa Rastetter

Dana Forman is an assistant attorney general in the General Counsel Division of the Oregon Department of Justice. She represents the Oregon Department of Human Services in abuse and neglect cases, striving to make children's lives more secure, stable, and happy.

Dana attended Scripps College and Northeastern University School of Law. Before law school, she was the Hillel outreach coordinator at UCLA and the activities director at Scripps College.

For fun Dana likes to read, cook, and play with her nieces and nephews. In addition to her family, her passions include horses, travel, and politics, particularly regarding social justice issues. She loves to read, and recommends the book *Let Me Play: The Story of Title IX*, by Karen Blumenthal. She enjoyed the book's chronicle of how Title IX empowered women far beyond the playing field. Until she read this book, Dana hadn't realized how different her life, and the lives of her nieces, would be if Title IX had not been passed.

Dana is involved in OWLS because "being around smart, sassy women" fills her with energy and resolve. She notes that women should be "running the world." She enjoys the breadth of experience and background that women bring to OWLS, and their dedication to the law. OWLS is pleased to welcome Dana Forman to its board of directors.

*Kathleen Hansa Rastetter is an assistant county counsel for Clackamas County.*



Dana Forman

## OWLS Playgroup to Meet Monthly

By Bonnie Cafferky Carter

When my family came home to Portland last summer, one thing I hoped to find was an attorneys-with-kids playgroup. I learned that the "official" OWLS playgroup had been inactive for several years, but many people responded favorably to the suggestion that we start a new one.

Finding the right location and time was a challenge. The people who initially expressed interest were spread all over Portland and ranged from working full-time to home full-time. I tried to find a way to include as many people as possible, and settled on Tuesday mornings.

*Bonnie Cafferky Carter is a sole practitioner and contract attorney in West Linn.*

We had nine attorney-moms at our first meeting on September 26, and a dozen kids. Since then, the playgroup has evolved toward the way the original OWLS playgroup was organized. Starting in January, it will meet the fourth Tuesday of each month, at locations rotating between members' homes and parks.

A playgroup is an important piece of a congenial, professional legal community. And it's an excellent social outlet and networking tool. All OWLS members and their young children are welcome to join us anytime. To get on our email list, please contact me at [bcarter\\_esq@yahoo.com](mailto:bcarter_esq@yahoo.com).

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# Around Oregon

By Holly Pettit

**Cascade Women Lawyers.** Cascade Women Lawyers had a great turnout for its first meeting of the fall, on November 15. At the meeting, leadership of the group was turned over from Laurie Craghead to Lorie Hancock. CWL thanks Laurie Craghead for her five years of service as the head of the organization!

On December 6, Karnopp Peterson LLP hosted a video replay of the OWLS 2005 Fall CLE. Laurie Craghead hosted a holiday potluck on January 5. Please see the OWLS calendar for information about upcoming Cascade Women Lawyers events, or contact Laurie Craghead at 541/388-6593 or [laurie\\_craghead@co.deschutes.or.us](mailto:laurie_craghead@co.deschutes.or.us); Lorie Hancock at 541/382-3011 or [lorie\\_hancock@hotmail.com](mailto:lorie_hancock@hotmail.com); or Bethany Graham at 541/749-4044 or [bgraham@schwabe.com](mailto:bgraham@schwabe.com).

**Coast Women Lawyers.** Please see the OWLS calendar or contact Diane Henkels at [dhenkels@actionnet.net](mailto:dhenkels@actionnet.net) or 541/574-6200 for information about upcoming Coast OWLS activities and meetings.

**Josephine County Women Lawyers.** JCWL met for lunch and conversation on Octo-

ber 31 and November 28 at the Bistro in Grants Pass. The group did not meet in December. JCWL regularly meets for lunch the last Tuesday of every month. For more information about JCWL events, please contact LaDonna Wetmore at 541/479-2678 or [lswetmore@charterinternet.com](mailto:lswetmore@charterinternet.com).

**Lane County Women Lawyers.** On October 19, LCWL welcomed Michele Henney for a lunchtime seminar titled "Financial Statements: A Second Chapter." Michele holds a PhD in accounting, is an experienced CPA, and teaches classes on financial statements at the University of Oregon. LCWL hosted Megan Friese, from CASA of Lane County, on November 16. Megan spoke about the plight of Lane County's foster children. Lane County Women Lawyers also met for a social luncheon on December 21. For information about upcoming activities, please check the OWLS calendar or contact Sylvia Van Dyke at [svandyke@hershnerhunter.com](mailto:svandyke@hershnerhunter.com) or 541/686-8511.

**Linn-Benton Women Lawyers.** In October, Linn-Benton Women Lawyers sponsored a walk team for the Soroptimists' Walk for the Cause. Five OWLS members completed the 3.5-mile course. Linn-Benton Women Lawyers now meets every other month, at Sybaris restaurant in downtown Albany.

For information, contact Debra Blythe at [blythelaw@comcast.net](mailto:blythelaw@comcast.net) or 541/979-6969 or Erika Nordhaus at 541/926-8678 or [erika.nordhaus@LASOregon.org](mailto:erika.nordhaus@LASOregon.org), or see the OWLS calendar.

**Mary Leonard Law Society.** MLLS hosted a event honoring new Oregon bar admittees on October 24 at Alessandro's, with special guest Ninth Circuit Court of Appeals Judge Susan Graber. Approximately 50 people attended, including many new admittees. Judge Graber talked about her career in private practice and the judiciary, highlighted the importance of good writing, and answered questions.

On November 21, MLLS hosted Ann Boss, who spoke about the legislative drafting process and the legislative counsel's office. Ann was appointed legislative counsel in March 2006 and was preparing for her first legislative session in her new position. She described some of the processes that her office has in place to achieve the ABC's of legislation: accuracy, brevity, and clarity.

MLLS held its annual holiday networking social on December 19. Attendees brought books for young children, to be donated to teenage mothers through the Willamette University School of Law Street Law Program. MLLS also joined with the Marion County Bar Association to collect toys for "Santa Central." For information about MLLS events, please see the OWLS calendar or the MLLS calendar at the MLLS website, [www.maryleonardlawsociety.org](http://www.maryleonardlawsociety.org), or contact Cathryn Bowie or Hon. Jill Tanner at [maryleonardlawsociety@hotmail.org](mailto:maryleonardlawsociety@hotmail.org).

**Queen's Bench.** On October 10, Karla McFarland, of Bradley-Angle House, spoke at the Queen's Bench regular lunch meeting. Mary Chaffin, general counsel of Mercy Corps International, spoke at the November 14 luncheon. On December 12, Queen's Bench hosted its annual Holiday Luncheon, featuring Judge Darleen Ortega of the Oregon Court of Appeals. Queen's Bench lunches are held on the second Tuesday of the month from 11:45 a.m. to 1 p.m. at Jax Restaurant in Portland. Contact Barbara Smythe at [barbara.smythe@klarquist.com](mailto:barbara.smythe@klarquist.com) or 503/226-7391 or Nicole DeFever at [nicole@defever.com](mailto:nicole@defever.com) for more information, and see the OWLS calendar for upcoming Queen's Bench events.

**Rebecca J. Bloom Chapter.** The Rebecca J. Bloom Chapter meets for lunch the fourth Wednesday of the month. For information about upcoming chapter activities, please see the OWLS calendar or contact Renee



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## OSB Honors OWLS Member Lisa Kaner

By Bethany Graham



Honoring her years of dedicated service to the Oregon Holocaust Memorial Coalition, the Oregon State Bar awarded OWLS member Lisa Kaner the President's Public Service Award at its annual awards dinner on December 7 at the Benson Hotel in Portland.

The Oregon Holocaust Memorial, dedicated in 2004, is located in Washington Park and serves as a reminder of those killed by Germany's Nazi government from 1933 to 1945.

A shareholder with the firm Markowitz, Herbold, Glade & Mehlhaf, Lisa has been a member of the Memorial Coalition since 1997. Initially, she simply participated in coalition meetings. When a lawsuit arose contesting the location of the Holocaust memorial, however, Lisa brought her years of litigation experience to bear in support of the coalition. During the extended legal battle, in which the coalition ultimately prevailed, Lisa logged around 1,000 pro bono hours of advice and legal services to the coalition. Lisa's work for the coalition also included raising money to finance the memorial, reviewing and finalizing contracts, overseeing construction, working with the city and the neighborhood, planning the memorial's dedication, and assisting in the publication of a book about the memorial, distributed to libraries and schools in Oregon and southwest Washington.

Lisa remains the chair of the Memorial Coalition, but her public service does not end there. She is currently president of the Owen M. Panner Inns of Court, a vice president of the American Jewish Committee, and an active supporter of the St. Andrew Legal Clinic. She is also involved with Portland 100, a nonprofit dedicated to raising \$100,000 per year to support local organizations improving the community.

Lisa's advice to young lawyers who want to become involved in public service is simple—find an organization that speaks to your heart. "Nonprofits are always looking for enthusiastic volunteers," she says, "and lawyers have a unique skill set that makes them a valuable asset for any nonprofit."

*Bethany Graham is an attorney at Schwabe Williamson & Wyatt in Bend.*

Caubisens at [tribaldefender@yahoo.com](mailto:tribaldefender@yahoo.com) or 541/278-7454 or Kittee Custer at [custerlaw@oregontrail.net](mailto:custerlaw@oregontrail.net).

**Rogue Women Lawyers.** Rogue Women Lawyers meets the fourth Thursday of the month. On December 14, the group met for a holiday party. Please see the OWLS calendar or contact Stefanie Burke at [slb@roguelaw.com](mailto:slb@roguelaw.com) or 541/779-8900 for more information about upcoming Rogue Women Lawyers activities.

**Washington County Women Lawyers.** On October 25 and November 22, the WCWL "Lunch Club" met for a brown bag lunch in Judge Upton's jury room. On December 6, WCWL members enjoyed the third annual WCWL Holiday Happy Hour at the Cornelius Pass Roadhouse. For more information about WCWL activities, please see the OWLS calendar or contact Mary Bruington at 503/846-3413 or [mbruington@mpdlaw.com](mailto:mbruington@mpdlaw.com).

*Holly Pettit is an attorney at Bullivant Houser Bailey in Portland.*

For info on upcoming events, visit [www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org). Click on "Calendar."

## Hon. Jill Tanner Receives State Tax Judge of the Year Award

At the 2006 National Conference of State Tax Court Judges, Hon. Jill Tanner, presiding magistrate of the Oregon Tax Court—and a longtime OWLS member



and volunteer—was honored as the State Tax Judge of the Year. Presented annually, the award recognizes outstanding achievement in state tax court leadership, and is given to someone who has served the judicial system and the public to a remarkable degree.

Judge Tanner has been a magistrate with the Magistrate Division of the Oregon Tax Court since the division's creation in 1997, and has been the presiding magistrate since July 2002. She is a guiding light in Oregon Women Lawyers, and is the president of the Mary Leonard Law Society. Congratulations to Judge Tanner for this well-deserved award!

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# Two More OWLS Members Elected to Bench

By Bethany Graham

Two out of three OWLS members who ran for circuit court judgeships in November won their elections, adding needed representation by women to the bench in Lane and Multnomah counties. Debra Vogt, running in Lane County, defeated opponent Alan Leiman by an impressive 13 percentage points, and Cheryl Albrecht prevailed in Multnomah County over her adversary, Kathleen Payne, by more than 8 percentage points.

A third OWLS member, Lisa Greif, who garnered sufficient votes in the primary to qualify for the November runoff, lost her election bid in Jackson County to opponent Ron Grensky.

**Judge Vogt**, then a senior prosecutor with the Lane County district attorney's office, won almost 57% of the vote in her race against Eugene Assistant Municipal Court Judge Alan Leiman. She took the oath of office as a judge on January 2.

The last hectic weeks of the race were an intense balancing act, Vogt says. While "trying to meet every voter possible" and speaking at every club, organization, and event she could, Vogt also juggled

her full caseload and spending time with her children.

Despite the pressures of the campaign's last few weeks, Vogt says she was proud to stand by her promise to maintain a positive campaign. While her opponent's campaign turned negative in the final weeks, she remained steadfast in her positive campaign approach, noting, "Given all the negative political campaigning this fall, I believe that my positive campaign resonated with the voters and was appreciated."

Vogt says that she was told at the beginning of the process that "money wins campaigns." Despite facing a very well-funded opponent, however, Vogt ultimately concluded that "money doesn't always carry the day. Although a well-funded campaign is important, in judicial elections, qualifications and experience are also crucial elements to success." She credits the number and diversity of her endorsements for helping her overcome the funding gap between herself and her opponent.

After an election night celebration at the Oregon Electric Station in downtown Eugene, Vogt used the days following the election to catch up on some much-needed time alone with her husband—driving around Lane County picking up lawn signs.

**Judge Albrecht**, who had been serving on the bench in Multnomah County for five years in a pro tem capacity, secured over 53% of the vote in November. She began serving in her new position on November 22.

Noting that her campaign lacked funds to conduct polls, Albrecht says that the campaign continued through the last weeks "on blind faith" that its strategy was working. She also noted that distinguishing her "relatively quiet race" in a packed election slate was a challenge.

Like Vogt, Albrecht reports that she attended every public event she could in the final weeks of the campaign. She also canvassed door-to-door, on the premise that there is "no substitute for making

that face-to-face connection and showing people you and your volunteers are working hard to earn votes." With the task of reaching more than 300,000 voters, however, Albrecht's campaign ultimately relied on automatically dialed calls to voters, which she noted were effective in both keeping expenses low and reducing the negative environmental impact of repeated mailings.

Albrecht credits her extensive experience as one of the primary factors distinguishing her from her opponent. Her experience includes five years as a full-time judge pro tem and 15 years in the local justice system. Endorsements from the major newspapers also played a key role. Albrecht notes that with "six women candidates among the thirteen running for judge, finding those distinguishing characteristics took on even more importance."

Although her judicial bid in Jackson County was unsuccessful, **Lisa Greif** had nothing but praise for those who assisted in her campaign, notably her colleagues at the public defender's office, those at the Jackson County district attorney's office who supported her, local attorneys and judges, and her family members and close friends. Over the critical last weeks of the campaign, Greif and her campaign volunteers wrote letters to the editor, hosted "meet and greets" with the candidate, conducted door-to-door canvassing, and sent postcards to registered voters in the county. Greif also participated in candidate forums and accepted every offer she received to be interviewed by the local media.

Greif says she would be hesitant to run in another judicial election. She cites the tremendous financial and personal strain, as well as the incredible stress of balancing a full-time job with a full-time campaign. If she had it to do over again, Greif states that she would have hired a designated campaign manager to "run the show behind the scenes."

**Bethany Graham** is an attorney at Schwabe Williamson & Wyatt in Bend.



Hon. Cheryl Albrecht



Hon. Debra Vogt

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## Measure 40 and Our Appellate Courts

It is tempting just to say "Phew!" and put the recent elections behind us. Just think: No more political "asks." No more answering the phone, only to be greeted by the recorded voices of governors, senators, and maybe even—if you were really lucky—marginally famous actors or actresses touting their favorite candidates. No more turning the television on to 30- and 60-second political sound bites galore.

One particular failed ballot measure, however, needs to stay alive just long enough to say thanks to the innumerable lawyers and judges who helped defeat it and to try to ensure that the coffin is nailed shut (after two failed efforts within a five-year period) on further efforts by largely out-of-state interests to politicize our appellate courts. I am talking about Ballot Measure 40, of course—which, as we all know by now, was defeated by a healthy margin, 56.5%–43.5%. Had it passed, Measure 40 would have required appellate court judges to be elected by districts and to continue to live in their districts, even though the courts sit in Salem.

Aside from the obvious importance of geographic diversity (along with other critical forms of diversity, such as racial and ethnic diversity, and experiential diversity), I think the best way to ensure that this measure—and others like it—don't resurface is for us to commit to ensuring that qualified women and men from all over Oregon are recruited and encouraged to apply for openings on our two appellate courts. We all know there are wonderful lawyers and trial judges practicing and serving in Pendleton, Baker, Ontario, Klamath Falls, Grants Pass, Medford, Roseburg, Coos Bay, Newport, Astoria, Bend, etc. Many are well qualified to serve on the Court of Appeals or Supreme Court. Let's let the governor and his staff know how important we think it is to have appellate judges from the different parts of our state. This will, at a minimum, provide additional "frames of reference" for courts that consider matters involving people and issues throughout the state.

Granted, there are complicated issues involved in making the decision to apply for one of these positions if it means moving one's family closer to Salem. (I am glad to have my children off to college, now that I have a two-hour commute each

## THE JUDGES FORUM



By The Honorable Ellen Rosenblum  
Oregon Court of Appeals

day—and I didn't have to move!) I have already heard several trial judges from around the state say, "Thanks, but no thanks!" to the suggestion that they apply for an opening. But, hopefully, some of you will find—now, or sometime in the not-too-distant future—that a career move of this sort is attractive and that you can find a way to make it work for your family, as well. I think I can speak for my colleagues on both appellate courts in saying that we would be delighted to be joined by more judges from outside the "valley" and hope it won't be long before they arrive.

In the meantime, I also want to add my thanks to all who helped defeat this measure. That result was due to the amazing efforts of so many that it's not possible to list them all. Here's my short list of some I know of personally: Chief Justice Paul DeMuniz and Chief Judge Dave Brewer—this team of "chiefs" was tireless in their efforts, together and separately, to make sure the public was properly educated as to what the implications for our state would be if Measure 40 passed (I'm not sure they slept—and certainly not soundly—until it was defeated); Oregon State Bar President Dennis Rawlinson and the OSB Board of Governors; Multnomah Bar President Peter Glade and the MBA Board; No on 40 Campaign Coordinators Chuck Tauman and Jef Green; lawyers throughout the state (including OWLS members, of course), especially Susan Marmaduke and Charlie Hinkle, who magnificently debated the issue on public television; and last but not least, many of the circuit judges of Oregon—particularly those from areas outside the valley. When the "rubber met the road," it was the relationships that the local circuit judges throughout the state had with their communities (and local newspapers) that carried the day. When people heard from their local judges and lawyers—whom they knew and trusted—that this measure was a bad idea and heard their well-articulated explanations why, they were persuaded to vote against it. That's what turned the tide from the

measure's being 11 percentage points ahead in the polls a month or so before the election to losing by 13 percentage points. That—and the money raised by lawyers to make it possible to get the message out on short notice.

For all this work, the citizens of Oregon should be most grateful, because we will continue to have a court system that looks and feels like an independent and impartial branch of government and can function efficiently while striving to be as diverse in all ways as possible. There is no question but that our appellate courts can be enhanced by greater geographic representation, though not in the fashion Measure 40 sought to institute. So, let's get on with it and make it happen—soon!

**P.S.** Since, for the past three years, I have been one of those bemoaning the lack of even one woman on the Oregon Supreme Court, let me add to the loud chorus of cheers for the recent election of my cherished former colleague on the Court of Appeals, Justice Virginia Linder, and the marvelous appointment of Justice Martha Walters to our highest court. Congratulations to Gini and Martha—and major thanks to OWLS for helping to make this happen.



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The Oregon Court of Appeals panel pictured here heard oral arguments on Dec. 14, 2006, in Salem. The panel comprised the three women then on the Oregon Court of Appeals, (from left to right) Hon. Darleen Ortega, Hon. Virginia Linder, and Hon. Ellen Rosenblum. An all-women panel occurs only rarely in Oregon. Hon. Virginia Linder took a seat on the Oregon Supreme Court in January.

## Thank You

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