



Taking Care of Our Clients

by Richard Vangelisti, MBA President

Our legal profession in Oregon is under attack on many fronts. With the advent of electronic case filing and low thresholds for pro hac vice admission, law firms from around the country have been extending their reach into Oregon courts. These non-Oregon firms are seeking to serve Oregon clients that have traditionally been served by local lawyers.

Services that have been traditionally provided by law firms are being outsourced. I recently received a solicitation from a company in the "silicon valley of India." This company was offering a "team of lawyers" to provide a wide range of services including "drafting complex legal documents."

Web-based companies are racing to replace lawyers with stock forms and "helpful information." Other web-based companies abound with their national internet marketing and referral systems.

Recent law graduates - many with staggering law school debt - are stymied in their efforts to find full employment in the legal field. Their struggle is occurring while the Multnomah County Court is experiencing record numbers of pro se litigants in civil cases.

I could go on-and-on, but I think most in our local legal community are familiar with the shifting sands under their feet. These changes are affecting lawyers regardless of whether they are solo practitioners or lawyers in a big firm.

Why should we care? First, we have a duty to ensure that every member of our community is well-served by our profession.

Services that have been traditionally provided by law firms are being outsourced.

Every human is entitled to equal justice under law. Second, we as lawyers enjoy the "Oregon Way" of practice in which professionalism is universally expected as part of our culture. Third, if we don't take care of the first two reasons, we will lose our profession by market forces or by legislation abolishing or marginalizing our self-regulated profession.

Now for a defense to the attack on our profession. I am not suggesting artificial measures of "protectionism" or heightened barriers to entry.

The best defense, however, is committing to serving our clients extremely well. In other words, as Oregon lawyers, we should double our commitment to serving clients better than anyone. This means providing a higher level of service than websites, technicians, and those lawyers licensed elsewhere, including those who don't know how to pronounce "Oregon."

To this end, I suggest some general tips on serving clients extremely well. I am sure that books have been written on this topic. But the list of 21 tips below should encourage thinking on the "why" of what works in addition to the "how." The following list is what I have collected from experience and from my mentors:

1. Adhere to the Oregon Rules of Professional Conduct, particularly Rules 1.1 (competence), 1.2 (role of lawyer), 1.3 (diligence), 1.4 (communication), 1.5 (no "clearly excessive fees"), 1.6 (confidences), and 1.7 to 1.11 (conflicts of interest).

2. In your retainer letter or fee agreement, inform the client about our applicable statements of professionalism and tell the client that you are committed to follow them. See <http://www.osbar.org/professionalism>.
3. Clearly define with the client the scope of representation. While lawyers can never guarantee results, the client and lawyer should be on the same page as to what the client's goals are in the matter.
4. Set reasonable expectations with the client, and then strive to exceed them. My personal philosophy is to keep the clients "sober" about the range of potential results.
5. Regularly and promptly respond to client inquiries. Complaints about lack of communication comprise the largest category of complaints the OSB receives against lawyers.
6. Routinely provide the client more value than you receive. Don't hesitate to adjust your legal fees or structure them to bring them more in line with client expectations and interests.
7. Create efficient and economical solutions for achieving clients' goals. If you do, they will come back and refer their friends.
8. Do whatever it takes to achieve the client's goals -but always do it professionally. The professional approach is always the smartest approach.
9. In addition to advising a client on what the law is, provide the client a recommendation based on your judgment and a thorough case evaluation. Judgment is sharpened through experience and a humble willingness to learn every day.
10. When advising the client, avoid bashing of opposing counsel and our judicial system. Such bashing can reflect poorly on you as a lawyer as well.
11. On an ongoing basis, provide your client information or services to help their lives or business *before* they run into a legal problem. An ounce of prevention for a client is better than a pound of cure.
12. Build strong relationships with clients within the professional context but also within a personal realm. Ask any "rainmaker," and he or she will tell you that the secret is that "my clients are my friends."
13. Establish strong relationships with the courts or other branches of government with whom your client will interact. This builds a level of credibility that cannot be replaced with a website or an out-of-state lawyer with a single contact with our forum.
14. Walk a mile in the clients' shoes. Visit them in their home or work place. If the client is a business, take a tour of their business or, better yet, work with them at the job site or store.
15. Show clients that you appreciate them. Tell the client: "I will take care of you." And then do so.
16. The best "marketing" is serving your current clients extremely well.
17. Establish a strong reputation for competence and professionalism within the legal community. This heightened credibility will help you help your client.

The professional approach is always the smartest approach.

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mba|CLE

To register for a CLE, please see pages 3 & 4 or go to mbabar.org and log in as a member to register at the member rate.

MARCH

3.12 Wednesday
Annual Family Law Update & eCourt Presentation
Thomas Bittner
Judge Maureen McKnight
Gary Zimmer

3.19 Wednesday
The Status of Internal Law Firm Privilege in Oregon
Mark Fucile
Bonnie Richardson
Robyn Ridler Aoyagi

3.20 Thursday
Intellectual Property Protection
Jacob Gill
Anne Koch
TJ Romano

APRIL

4.1 Tuesday
Investigating Evidence from Both Sides of the Bench
Dwight Holton
Judge Karin Immergut
Kevin Sali

4.3 Thursday
Working with Translators & Interpreters
Melanie DeLeon-Benham

4.8 Tuesday
Advising Nonprofits & Serving on a Nonprofit Board
Matthew Lowe
Shouka Rezvani
Penny Serrurier

4.16 Tuesday
Tax Planning for the Taxable Estate
John Christianson
Helen Pruitt
J. Mack Shively

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Save the Date!

MBA 108th Annual Meeting, Dinner & Judges Reception

Friday, May 30
5-8 p.m.

Portland Marriott Downtown
Waterfront
1401 SW Naito Parkway



Young Lawyers Section

SAGE Advocates for Future Generations

by Anne McQuesten
YLS Futures Committee



In recent years, the challenges that face younger and future generations of lawyers have been at the forefront of consciousness for the legal profession as a whole. Many members of the MBA YLS are particularly concerned about the increasing cost of legal education and decreased opportunities for quality jobs in our profession. As the group that will bear the brunt of these challenges, it is natural for young lawyers to wonder if, at the end of the day, we'll be left to face these issues on our own, or if others will join in to advocate for our future.

Providing solace that future generations are not in it alone, a Portland-based nonprofit organization called SAGE (Senior Advocates for Generational Equity) is engaging older adults to address the challenges facing younger and future generations. Founded in 2011 by a group of Oregon lawyers and non-lawyers, SAGE is concerned about the social, environmental, and economic challenges facing coming generations, and inspires older adults to give forward with their time, talent, and passion to address those challenges.



The YLS Board congratulates YLS Board member Paige De Minico on being named a shareholder at her firm.

SAGE is guided by the principle of fairness called generational equity – meaning that each generation should sustain or improve the quality of life for the next. Although SAGE's potential beneficiaries extend far beyond young and future lawyers, its guiding principle translates well to the legal profession. Steve Higgs, the Executive Director of SAGE, was an attorney in private practice prior to joining SAGE. Higgs notes that there is a distinct kinship between SAGE and the legal profession, in that lawyers are experienced advocates whose training allows them to anticipate issues, project the trajectory of challenges, and to put plans and actions in place to prevent or mitigate future adversity.

One of the ways SAGE inspires older adults to give forward is by facilitating socials and brown bag lunches to promote dialogue about the concerns facing future generations. Through these conversations, older adults are able to identify opportunities that were important in their own lives, thereby providing motivation to provide so that future generations may have similar opportunities. This September, SAGE also plans to offer a 10-month fellowship to train older adults to develop and launch their own local benefit projects. Although SAGE encourages people to invest in causes they are passionate about, SAGE is particularly concerned about the rising costs of education, environmental degradation, and economic insecurity facing children, youth, and future generations.

As lawyers, we advocate for our clients every day, but led by the example of groups like SAGE, we can also begin to do the same for each other - senior attorneys can provide opportunities and resources for young lawyers, and young lawyers can begin to foster the legacy they will leave for future generations. Because the success of SAGE's efforts depends on each generation sustaining or improving the quality of life of the next, attorneys reading this article at any stage of their life and career who are interested in SAGE are encouraged to visit weareage.org to learn more.

Portland to Host ABA YLD Conference

Recently, the YLS sat down with Andrew Schpak, a partner with Barran Liebman, a former MBA YLS President, and the current chair-elect of the American Bar Association's Young Lawyers Division (ABA YLD), to discuss diversity within the YLD and the YLD Conference coming to Portland on October 9-11.



Andrew Schpak

The ABA YLD has a much broader reach than the MBA. What are some of the more recent diversity initiatives that the YLD has sponsored? The ABA YLD has a YLD Scholarship Program which funds a select group of diverse, solo, small firm, and government lawyers to attend national conferences and actively participate in YLD initiatives. The ABA YLD also hosts a diversity dialogue at each midyear meeting, which facilitates small group discussions of diversity issues over breakfast. Finally, the ABA YLD has the Next Steps Challenge, which is a contest recognizing the best diversity pipeline projects in the

country. The winner is actually awarded money to help expand the winning program's reach.

Bullyproof is the latest public service project from the YLD and the YLS has been developing its own version for use in the Portland area. Without giving too much away, what kind of things can we look forward to next year? Next year, we're going to focus on homeless and transition youth. It only takes a short walk through downtown Old Town to see how significant the homeless problem is in our state. The program will include a "clinic in a box." It will also connect participating state and local young lawyer organizations to existing social service groups that serve the homeless and transition youth population. The goal is to provide legal assistance to the target demographic, including minor criminal and credit issues, as well as assistance with government benefits.

What has the YLD meant to your professional development? Everything. I have learned so much and connected with so many people as a result of my YLD involvement. I have taken some incredible CLEs, improved my speaking and leadership skills, networked with young lawyers from around the world, and learned about exciting ideas and projects that I was able to bring back to my home state.



Young Lawyers Division

With Portland hosting the YLD in October, what can people do to become involved? We have a host committee that is organizing the social events, raising sponsorship money, and recruiting attendees. We also welcome program proposals and have a form for submitting those proposals. Perhaps most importantly, we want to maximize attendance, so it would be great if people marked their calendars (October 9-11) and plan to attend!

What types of events in and around Portland are planned for October? We will have a small reception at the Pioneer Courthouse followed by a big welcome event at Kells. We're still trying to nail down the Friday night social event, but we are currently considering hosting an outdoor event at Director's Park. Finally, we're also organizing a wine tasting excursion for that Saturday afternoon.

Can anyone attend the conference? Yes!

Can anyone join the ABA YLD? The eligibility rules are pretty similar to those applicable to the MBA YLS. (Editor's note: Membership in the ABA YLD and the MBA YLS is free for attorneys with less than one year of practice.)

Ask the Associate

Dear Awesome Associate,
I am a first year associate and I just received two rush projects, both due on the same day. I don't think I can finish both of them on time. One is from a senior partner and one is from a senior associate. Should I focus my energy on the senior partner's project and blow off the senior associate's?

Slammed on Salmon St.

Dear Slammed,
Ah, the life of a junior associate. So many unrealistic deadlines, so little time. Although your instinct to blow off the senior associate may seem like a good way to deal with the conflicting deadlines, doing so could have some bad consequences.

For one, senior associates frequently deal with the day-to-day responsibilities on cases while a senior partner may seemingly operate behind the scenes working on big-picture strategy and/or providing the face for the client. If you blow off a senior associate's project, you may indirectly damage your relationship with the senior supervising partner. Do you

think that the senior associate will gladly take the blame for the untimely project without mentioning that it was assigned to you and not completed on time? Unlikely. In fact, the senior partner ultimately responsible for the case is probably already aware that the senior associate asked you to complete the project.

Second, bad impressions with a senior associate can have unexpected long-term consequences. Although the senior associate is "just an associate" now, in the near future the senior associate could become a partner. As a partner, this person might be inclined to inform his or her other partners that you are unreliable or untimely. Besides, blowing off projects certainly isn't good for one's reputation in a small legal community like ours if you happen to change firms down the road.

Third, it could be that the senior partner isn't as important of an ally as the senior associate could be in the long run. Maybe the senior partner doesn't care if the project is timely for some reason. Maybe the senior partner is

retiring soon. You may be working with the senior associate for many more years than the senior partner if you stay at the firm.

Finally, you never want to determine the way you treat people based solely on their status in the firm. Everyone deserves the same amount of respect, regardless of their rank. What you should do when faced with the deadline conundrum is communicate with both parties. As soon as you realize you will not be able to give your best work in the time provided, you should immediately inform both the senior partner and the senior associate that you are worried about timely completing their projects. Ask if there is any flexibility in the deadline. Offer to find another associate to take on one of the projects. If necessary, cancel other non-urgent meetings or delay other projects that can be delayed. Use creative solutions to solve your problems. Usually, there is a way to deal with the conflicting deadlines while preserving your spotless reputation.

Yours truly,
Awesome Associate

Send your questions to Awesome Associate at mba@mbabar.org.