



Access to Justice Across Oregon

by Jill Mallery
Statewide Pro Bono Manager, Legal Aid Services of Oregon

Oregon's Portland metro area attorneys are effectively increasing access to justice for low-income communities across the state through pro bono representation. Many rural Oregonians live in a legal desert, a rural community with limited, if any, options for legal

assistance caused by a shortage of lawyers in the area. According to the National Center for State Courts, one factor that indicates a barrier to legal services is the limited number of attorneys compared to the population of the county. It is a stark statistic that more than 66% of Oregon State Bar members are located in the Portland metro area (Multnomah, Washington, Clackamas, and Yamhill counties). This illustrates a pressing need to bring legal resources to Oregon's legal deserts, communities that face barriers to legal services due (in part) to the limited number of attorneys compared to the population of the county. Metro attorneys have been helping reduce this barrier to legal assistance by volunteering with Legal Aid Services of Oregon (LASO).

Pro bono attorneys have been making a real difference in the lives of low-income Oregonians experiencing critical legal issues. Pro bono attorneys have advocated on behalf of low-income tenants facing wrongful eviction, represented survivors of abuse in contested restraining order hearings, and assisted low-income debtors discharge their debt through Chapter 7. All assistance is provided remotely by a Portland metro attorney to a client located in a rural area of the state.

Jeremy Aliason, Executive Director of LASO, describes the important role of pro bono attorneys in increasing justice, "without the dedication of our pro bono attorneys and staff, many low-income Oregonians would face the legal system alone. Their work ensures that access to justice is available to all, regardless of location or financial means. We are deeply grateful for their commitment to serving those in need."

LASO is fortunate to work with amazing private attorneys, supportive bar sections, and dedicated law firms across the state that utilize their knowledge and expertise to help low-income people with their legal issues. Of special note are outstanding law firms that have long-standing partnerships with rural LASO offices dedicated to expanding legal assistance in the community: Tonkon Torp LLP sponsors a general civil virtual clinic with LASO's Roseburg office, Miller Nash LLP partners on a virtual legal clinic with LASO's Bend office and the Oregon Law Center (OLC) Coos Bay office, and Davis Wright Tremaine LLP collaborates with OLC's Ontario office on a criminal expungement clinic.

LASO is grateful for the many justice partners it collaborates with to increase services to those unable to pay for an attorney. Attorneys such as Mick Harris, Tonkon Torp LLP, who has shown true dedication to pro bono service displayed by many volunteer hours,

volume of cases, and strong determination to make a difference. Mick participates in both the LASO Roseburg Clinic and LASO's Housing Notice Clinic. He has been a strong advocate for low-income people in Douglas County and Oregon renters facing eviction. Mick's pro bono work has primarily focused on representing clients located in rural areas of the state with few, if any, resources. Thanks to Mick's excellent representation and incredible commitment to his pro bono clients, tenants receive the benefit of having quality legal counsel. Tenants' rights are enforced, safe housing is preserved, and people feel supported. Mick describes his volunteer experience, "It has been a tremendously rewarding and humbling experience to assist Legal Aid in their mission to bridge the justice gap in rural areas. There is no doubt that Legal Aid empowers communities to navigate complex legal challenges and access high quality advocacy. At the end of the day, Legal Aid's commitment to equity and justice is unparalleled and deeply needed in our society."

Another excellent pro bono partnership is the Miller Nash Virtual Clinic. The clinic assists individuals with clearing criminal and eviction records in Central Oregon and along the Southern Oregon Coast. John Clarke, partner at Miller Nash, has been a pro bono leader for the firm and Jollee Patterson, partner at Miller Nash, was instrumental in developing and launching the clinic model. John is a champion of pro bono work and has set a high bar through his demonstrated commitment to pro bono service. As the co-chair of Miller Nash's pro bono committee, John also encourages firm-wide participation in the clinic. The assistance provided through the clinic is truly life-changing as it improves the lives of his clients by removing barriers to housing, employment and education. John describes the goal of the clinic, "Miller Nash is proud to partner with Oregon Law Center and Legal Aid Services of Oregon to lead a virtual volunteer attorney clinic to assist rural, low-income Oregonians with expunging eligible criminal convictions and dismissals. Many Oregonians lack access to legal services and face barriers in obtaining employment, housing, and education due to past minor criminal convictions and dismissals. The clinic aims to remove those barriers, giving Oregonians a fair opportunity to make a living, take care of their families, and fully participate in their communities."

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Pro bono attorneys have been making a real difference in the lives of low-income Oregonians experiencing critical legal issues.

...if we focus on the client need and not location, together the legal community can make real progress towards expanding services across the state.

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10.9 Wednesday
2024 Bar Update: Ethical Issues and Trends Affecting Oregon Lawyers
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Tips From the Bench

Transitions on the Multnomah County Family Law Bench

by Chief Family Law Judge Patrick Henry
Multnomah County Circuit Court



There have been several significant changes to the Multnomah County Family Law Department since last year. With the retirements of Judge Michael Loy, Judge Kathryn Villa-Smith, and Judge Susan Svetkey the court has lost approximately 50 years of judicial wisdom and insight. We are fortunate, however, to welcome Judge Pamela Haan, Judge Christine Martin, and Judge Michael Riedel, each of whom has a wealth of experience either litigating or serving as judicial officers in family law cases. They have all made a remarkably smooth transition to their new roles.

I have taken on the role of Chief Family Law Judge since July 1. Multnomah County has had the benefit of excellent leadership of the Chiefs who served before me. The bench in Multnomah County has had an ongoing focus on procedural justice and a focus on having cases addressed as efficiently and carefully as we can. We have the benefit of dedicated staff in the family law department whose excellent reputation for helpful and responsive service is well earned. My goal is to help our judges and staff continue their excellent work.

While recognizing how well this department is and has been running, we continue to look at our practices to see how we can improve the way cases

are handled and docketed. We have recently changed some of our dockets to increase judicial availability at trial assignment. The early returns look good. Since July 1, only three cases did not go out on their scheduled trial assignment date due to a lack of judge availability. My hope is that this recent trend will continue.

We have made some other changes since last year:

- Parties are currently permitted to submit stipulated requests for setovers through file and serve even if the request is being made within 30 days of trial assignment. We request that you reach out to the family law department to find dates that work for the parties and the court and that you submit a form of order that includes a proposed setover date. If the setover request is not stipulated, parties will need to appear at ex parte to have the matter addressed by a judge.
- Judge Martin has taken over the Children's Representation Project. As always, we are looking for practitioners who are willing to serve in this program.
- We are also seeking applicants for our pro tem judge's program. We have been fortunate to have an excellent group of attorneys who have served in this role to help with our Judicial Settlement Conference program.

Finally, I look forward to working with all of you in the coming months and years to find ways to assist families with new realities they face. I appreciate your ongoing dedication to helping families find helpful and practical solutions to their sometimes complicated (and seemingly) intractable problems. Please feel free to contact me with your ideas for a better and more efficient family law court.

Access to Justice

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According to the 2018 Civil Legal Needs Study, debt/credit was the most common legal issue facing low-income people who were surveyed. We know the devastating financial and emotional effects debt has on a person who is not able to pay their bills. The LASO Bankruptcy Clinic, sponsored by the OSB Debtor-Creditor Section, is designed to help alleviate that stress through bankruptcy. Thanks to the strong support of the Debtor-Creditor Section, the many private attorneys and US Bankruptcy Judges who participate in the clinic, low-income debtors receive assistance

regardless of where they are located. Many of the attorneys who volunteer with the clinic have been increasing access to legal services for decades. One such incredible pro bono attorney is Michelle Freed of Eblen Freed PC, who has been a committed clinic volunteer since 2006. She is quick to accept case referrals and works hard on behalf of her clients to provide debt relief and a fresh start. Without the crucial legal assistance provided by pro bono attorneys like Michelle, people in rural areas of the state would be shut out of the legal system. I asked Michelle about her pro bono work and representation of clients in rural areas. Michelle responded, "It honestly doesn't make a difference where my pro-

News From the Court

by Tom Melville
MBA Court Liaison Committee

Presiding Judge's Report - Judge Judith Matarazzo

Judge Matarazzo reported that the court is busy with many trials going out daily. For the first time in her tenure, the court has had difficulty getting trials assigned out due to judicial availability although so far presiding court has still managed to assign out all matters reporting ready for trial. Judge Matarazzo encourages the bar to stick with trial dates as assigned because it is difficult to find new available trial dates given the assignments of judges to rotations like felony arraignments, misdemeanor trial assignment court (CPC), and specialty courts, and the many long specially-set trials which are already scheduled.

Judge Matarazzo reminds the bar that there is no such thing as a blanket affidavit for change of judge. Attorneys have every right to affidavit a judge, but it must be on a case-by-case basis. She encourages discussion about why affidavits are being filed. Remember, when you affidavit a judge, you are stating under oath that you do not feel this judge can provide a fair hearing based on your experience and not the experience of others.

The Multnomah Circuit Court bench primarily uses pro tem judges for Summary Judgment motions and currently has only two senior judges available for hearing those motions; please don't wait until almost too late to file your motion for Summary Judgment. Also, think twice

about asking for a sitting judge for assignment to Summary Judgment motions, especially if you are within 60 days of trial, due to limited judicial availability for those assignments.

Judge Matarazzo sees a need for more lawyers to volunteer as pro tem judges for Summary Judgments, including civil lawyers with a plaintiff's side background. She encourages people to apply through the MBA screening process at www.mbabar.org/courts. There is also a need for arbitrators.

Trial Court Administrator's Report - Barbara Marcille

Barbara Marcille reported that in criminal court, in particular, the unrepresented crisis for criminal defendants is causing substantial problems. In Multnomah County there are over 600 unrepresented individuals who are actively appearing in court in an effort to be appointed counsel, and nearly 1,000 defendants in warrant status who are eligible for public defense appointments. The shortage of public defense capacity is now impacting major felonies, in addition to minor felonies and misdemeanor cases. Moving cases forward is a real challenge in these circumstances.

Question for the Court?

If you have a question for the court or would like to share feedback about court practices through the Court Liaison Committee, please send your questions or comments to Pamela Hubbs, pamela@mbabar.org, with "Question for the court" in the subject line.

bono bankruptcy clients reside, because it doesn't change the process of representing them." This response gave me so much hope that if we focus on the client need and not location, together the legal community can make real progress towards expanding services across the state. Michelle went on to explain, "post-COVID shut down, the courts, clients and attorneys have all adapted to, respectively, remote appearances, consultations and practice. Most attorneys that have adapted to a hybrid practice can seamlessly increase access to justice for Oregonians living in rural areas by simply expanding the counties in which they practice."

There is a great need in Oregon for representation in domestic relations cases. According to Oregon Judicial Department 2023 case data, 74% of domestic relations petitioners were self-represented at the time of filing. Which makes pro bono representation in these cases incredibly important. We are extremely thankful for the attorneys who volunteer with LASO to provide family law advice and assistance. London Ballard, an attorney with Morris Family Law, volunteers with multiple LASO pro bono projects providing critical legal assistance. London displays kindness and understanding while providing supportive assistance to her

clients, assisting survivors of abuse with family law matters and contested restraining orders in both metro and rural counties. London explains, "When I first started practicing law, I had no idea I would end up representing clients in smaller, rural counties where there may only be one or two judges sitting on the bench. Yet, over the span of my career, some of my most influential cases have been heard in various rural counties in Oregon. Clients have sought me out because there are only a handful of attorneys in their county. Taking on cases in rural counties, especially on a pro bono basis, can be a really inspiring endeavor and help remind us why we pursued law. And, thanks to remote representation, this can actually be a realistic option for the attorney and the client. Representing folks in rural counties has been a very rewarding experience, and I would encourage others to consider volunteering to help provide more access to legal representation in smaller, rural counties."

Legal Aid Services of Oregon is fortunate to call Derek Ashton, partner at Sussman Shank LLP, a LASO volunteer. Derek is an incredible advocate for pro bono service displayed through his work with LASO's expungement clinic and Domestic Violence Project. Derek utilizes his vast litigation skills and experience representing survivors of abuse

With changes in the law, changes in the pretrial release order, the shortage of defense representation, ever-expanding arraignment dockets, and judicial and staff resources that are stretched thin, the court is working to restructure dockets and procedures to more efficiently manage the cases proceeding toward trial. The court will share updates in the coming months.

The court is implementing new forms and procedures related to the new drug-enforcement misdemeanors, and is working with Multnomah County, the District Attorney's Office, and law enforcement to ensure that cases which are eligible for deflection are given that deflection option. Multnomah County's deflection center is anticipated to open before the end of October. Until then, the deflection services are being made available to eligible defendants through the arraignment docket.

The pace of Fall feels especially busy after the slowdown during the pandemic. In the mornings, particularly Mondays, there can be long lines to enter the Central Courthouse with large pools of jurors arriving and many trials starting. The court continues to work with the Multnomah County Sheriff's Office to get people screened and into the courthouse as quickly as possible.

in court regardless of the county. He recently represented a Deschutes County survivor in two remote contested restraining order hearings. When approached about the case referral, Derek immediately responded "I can cover it." Those few simple words mean a tremendous amount to the survivor who no longer must face her abuser and the court system alone. Derek describes a recent volunteer experience in his straightforward and always professional manner. "I've encountered no issues representing clients around the state. My recent experience in Deschutes County went smoothly, both in meeting with and preparing the client for her contested hearings while using Zoom and with the court itself for the case presentation. One tip I will pass along relates to exhibits - I recommend early contact with the court to determine the procedure for handling exhibits while appearing remotely."

A kind thank you to all the Oregon attorneys who volunteer their time with LASO, OLC and other nonprofit organizations that provide legal services to low-income communities. Your help is crucial to increasing the availability of legal services to people who cannot afford an attorney. Together we can continue to make a difference.