Legal Aid Open Houses set for October 19th

Make plans to attend a 2004 Legal Aid Open House in your area. Ceremonies are scheduled at 16 legal aid offices and courthouses on Tuesday, October 19th.

- Albany, LASO/DLC Offices, 4-6 pm, Speakers: First Lady Mary Oberst and Governor Ted Kulongoski
- Bend Legal Aid Office, 1029 NW 14th St, 11:30 am – 1:30 pm, Speaker: Jim Jaror, Executive Director, Professional Liability Fund
- Coos Bay Oregon Law Center, 295 S 10th St, 4-6 pm, Speaker: State Rep. Joanne Verger
- Eugene, Lane County Legal Services, 376 E 11th Ave, 4-6 pm, Speaker: Senator Ron Wyden
- Grants Pass Oregon Law Center, 207 SW G St, Suite C, 4-6 pm, Speaker: William Carter, Oregon State Bar President
- Hillsboro Legal Aid Office, 230 NE 2nd Ave, Suite A, 4-6 pm, Speakers: Hon. Marco Hernandez, Washington County Circuit Court; Rep. David Wu (invited)
- Medford Center for Nonprofit Legal Services, Jackson County Courthouse, 11:30-1:30, Speaker: Hon. James Redden, US District Court
- McMinnville Legal Aid Office, 720 E 3rd, 11:30-1:30, Speakers: Michael Mason, Chair, Legal Aid Board of Directors; State Rep. Donna Nelson
- Newport, Lincoln County Courthouse, 225 W Olive St, Newport, 12-1 pm, Speaker: Hon. Ann Aiken, US District Court
- Ontario Oregon Law Center, 225 SW 1st Ave, #6, 11:30-1:30 pm, Speaker: Mike Nest, Litigation Director, Oregon Law Center
- Oregon City Legal Aid Office, 421 High St, Suite 110, 12-2 pm, Speaker: Robert Grey, President, American Bar Association; Hon. Karen Immergut, US Attorney for Oregon
- Pendleton Convention Center, 1601 Westgate, 6-8:30 pm, Speakers: Kent Robinson, Chief, Criminal Division, US Attorney’s Office; Hon. Ronald Palm, Umatilla Circuit Court
- Portland offices of Legal Aid Services of Oregon and Oregon Law Center, 921 SW Washington St, 5th Floor, 3-5 pm, Speakers: Robert Grey, President, American Bar Association; State Senator Kate Brown
- Roseburg Legal Aid Office, 700 SE Kane, 4-6 pm, Speaker: State Rep. Susan Morgan
- Salem Marion-Polk Legal Aid Services, 1655 State St, 12-1 pm, Speaker: Hon. David Brewer, Oregon Court of Appeals
- Woodburn Community Center, 491 N 3rd St, 4-6 pm, Speaker: Hardy Myers, Oregon Attorney General

Advocating in Oregon

DEBI WESTENBARGER
by Jane Wilcox

Debi Westenbarger and her sons Wyley, four and a half, and Kaleb, three, are building a new family life. They play at the park, attend daycare, celebrate birthdays and have fun at home. It has not been that way for long. Until Debi sought help from legal aid in May of 2002, she and her sons were living day to day with the reality of domestic violence.

To Debi, marriage is such a serious commitment that it took some time for her to be certain what was right. Although it was far from the worst thing that happened, Debi’s endurance ended one night when Bill slammed her fingers repeatedly in the cupboard door and a short time later, frustrated that Wyley wasn’t walking fast enough, picked the two-year-old up by the hair to ‘walk him along.’ Debi found Legal Aid Services of Oregon in the phone book. Attorney Anna Davis at the Hillsboro office helped her get a restraining order. Debi says, “When I met Anna Davis, she was like a light in the darkness for that part of my life. She helped me legally and then, for the things she couldn’t help with, she just listened.”

Debi left her family home in Beaverton at 18 to attend a religious college in Michigan. She hoped to complete the two-year program and be sent on a mission to Africa. Her grandfather had been a medical missionary in Brazil and her father had grown up in Brazil. Soon after the school year started, Debi met Bill. Bill was interested in Africa, too. They started dating, became engaged in January 1999 and married the following June.

From the beginning Debi was afraid things were not right. Her parents had told her that marriage was a difficult adjustment and so she tried to adjust and found herself apologizing a lot—for her housekeeping, for her cooking, for opening the curtains when someone might see her. Even speaking to male acquaintances was not allowed.

Wyley, Debi’s first son, was premature and stayed in the hospital for six weeks. Beginning then, Bill became even more violent. Soon after Bill slammed her fingers in the cupboard door, Debi visited her grandparents. They encouraged her to leave her husband. Her grandparents told her, “You have to be strong for you and your kids.” She heard their message. She returned home and called legal aid.

Attorneys Anna Davis and Leslea Smith helped Debi with a restraining order and later with a divorce and custody arrangements. “When I met Anna Davis, she was like a light in the darkness for that part of my life. She helped me legally and then, for the things she couldn’t help with, she just listened.”
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ttorney Ann Lininger, Co-Director of the Community Development Law Center, returned to Oregon after graduating from Yale University, New York University School of Law and working in Denver where, among other jobs, she was an associate at the law firm of Hogan & Hartson LLP. It had always been her plan to live and work in Oregon. She says, “My family has lived in Oregon for four generations and I feel really rooted to this state. The poet Wendell Berry says, ‘If you don’t know where you are, you don’t know who you are.’ In Oregon I feel most like myself.”

Lininger moved to New York in 1990 to work for the New York City Human Resources Administration through the city’s Urban Fellows program. That work led to a strong interest in housing issues and in the idea of lawyers working collaboratively to solve problems for people in need.

As an Urban Fellow, Ann worked on the Dinkins administration’s fair share siting initiative. The initiative aimed to develop transitional housing for homeless people in varied parts of the city, not solely the poorer areas. Lininger says, “We were trying to collaborate with different interest groups to develop community support, city support, and nonprofit support for putting these projects all around the city.”

From city government, Lininger went on to do similar work with Victims Services Agency, a nonprofit that provided social services and housing for New York families experiencing domestic violence. Ann led their transition to a strong interest in housing issues and in the idea of lawyers working collaboratively to solve problems for people in need.

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Clackamas Circuit Court Judge Dale Koch, US District Court Judge Anna Brown and Oregon Supreme Court Justice Thomas Balmer donned black robes, but traded their gavels for scorecards on Friday, September 10th to preside over LAF-Off. 750 lawyers, judges, friends and supporters of legal aid attended this evening of stand-up comedy at the Oregon Convention Center to kick off the 2004 Campaign for Equal Justice.

LAF-Off was the brainchild of Prashant Dubey, Vice President of Marketing for FIOS, Inc. “Legal aid services are important to Oregon’s system of justice and to the low-income Oregonians who benefit from their help,” says Dubey. “It seemed appropriate that FIOS, Inc., a provider of services to Oregon law firms, could rally the corporate community in supporting this important cause.”

FedEx Kinko’s, CRESA Partners, Angels Northwest Reporting Services and Brown Printing Inc. joined FIOS as major sponsors of the evening.

In the comedy competition, sole practitioner Bill Abendroth of Portland was declared the funniest of the lawyer-comics. The judges deadlocked in a four-way tie among Abendroth; Lori Deveny, Oregon Women Lawyers; Mitra Shahri, Oregon Trial Lawyers Association; and Jack Bogdanski, Lewis and Clark Law School and turned to the audience to name the winner. The field was highly competitive and the judges gave high marks to all. Other contestants included Jim Egan of Kryger Alexander Egan & Elmer; Bernie Thubert of Davis Wright Tremaine; Mark Turner of Ater Wynne; Ira Zarov of Professional Liability Fund (and his brother); and Eric Bergstrom, Multnomah County Circuit Attorney’s Office (billed as the ‘Mystery DA’ in the event’s publicity).

Kerry Tymchuck, state director for Senator Gordon Smith, hit just the right tone as master of ceremonies. As a former speechwriter for Senator Bob Dole, he found particular delight in introducing the night’s headliner, Mark Katz. Katz was Bill Clinton’s humor speechwriter and the author of Clinton and Me from which he shared his comedic insights about those who hold the nation’s highest political office.

Linda Clingan, the Campaign’s executive director, says that the goal of the LAF-Off was to increase the awareness and support for legal aid in a lighthearted way and to create an event that would appeal to younger lawyers. Clingan says, “The next generation needs to hear this message and we’ve worked out a way to kick off the campaign that was highly energizing. The local comedians stole the show. Kerry Tymchuck was brilliant and the judges—well, there was no lack of judicial candor!”

“We are thrilled to have an event that creates this kind of momentum for the Campaign right out of the gate,” says Ed Harnden, Co-chair of the 2004 Campaign. “It was just amazing to look out into the room and see 750 people gathered together to help launch this year’s Campaign.”

Larry Rew of Pendleton and Doug Schmorer of Medford are once again joining Ed as co-chairs. “Even though the Campaign continues to grow every year, there is still a great gulf to fill in meeting the demand for legal services for low income citizens,” continues Harnden. “And it will once again take the participation of lawyers from throughout the state to reach our goal of $850,000. This really is every lawyer’s campaign.”

The theme of the 2004 Campaign is ‘Protecting Oregon Families.’ 42% of legal aid cases involve family law issues. Over 600,000 Oregonians live in poverty today and almost half of them are children. Two thirds of legal aid clients are women, most of them mothers. Even while the Campaign continues to grow, the need is ever greater. The reality for Oregon families is that legal aid is able to help only two in five people who seek services.

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**Pitching In:**

**EXPERT LEGAL TEAM MOUNTS CONSTITUTIONAL CHALLENGE FOR LEGAL AID**

BY JANE WILCOX

Tom Christ, Charlie Hinke and Roy Pulvers teamed up in July offering their services pro bono to legal aid to take on the issue of mootness before the Oregon Supreme Court. Christ, partner at Cosgrove Vergeer Kester, argued the case, Yancy v. Shatzer and the City of Portland, before the Oregon Supreme Court. Stoel Rives partner, Charlie Hinkle, wrote the historical analysis used in the brief. Pulvers, partner at Lindsay Hart Neil & Weigler, working pro bono as chair of the Oregon State Bar Board of Governors, writing the Bar’s amicus brief. The briefs in the case addressed moot issues capable of repetition yet evading review. Election challenges, rules for ballot initiatives, temporary guardianships of seniors and 30-day park exclusions are examples of such issues.

Oregon Law Center lawyers Ed Johnson and Marc Jolin initially represented Yancy. Yancy’s case challenged the constitutionality of Portland’s park exclusion ordinance arguing that it failed to comply with due process requirements and because it was used to harass poor and homeless people in Portland. Portland police officers arrested Terry Yancy of Jaywalking and issued a ticket excluding him from three parks for 30 days. Johnson and Jolin appealed the exclusion to the city’s Code Hearings Officer, Shatzer. The appeal was rejected. Next Johnson and Jolin challenged the exclusion ordinance in Multnomah County Circuit Court. The court upheld the city’s ordinance and Yancy appealed. The Oregon Court of Appeals denied the appeal on grounds that the 30-day park exclusion had ended and so the issue was moot.

After the case was rejected by the Court of Appeals, legal aid sought help to appeal the case to the Supreme Court. Tom Christ, who has a longstanding interest in the Oregon judiciary’s refusal to rule on moot issues, saw in the facts of Yancy an opportunity to seek clarification on the status of moot cases that raise important public issues and are likely to be repeated. He agreed to co-counsel pro bono. Christ noted, “This is an issue that goes far beyond him [Yancy] and applies to everybody who has ever been excluded from a park under this ordinance or anyone who is potentially excludable, which is to say, all of us.”

Ed Johnson explains why this issue is important to legal aid clients. “When you have access to funds, it is possible to bring a case before the court more quickly. Low-income clients are obliged to pursue options such as letters, grievance processes, or hearings that may not be completed while the issue is still active.”

Attorney Charlie Hinke believes that the Oregon Constitution does allow this exception to the mootness doctrine. Hinke, like Christ and Pulvers, has challenged the Oregon courts’ position, noting that all 49 other states and the federal courts have long recognized the need for courts to rule on moot issues that are important. Hinke explains, “The highest courts of 49 states have said, ‘Yes, we’re going to decide cases of public importance that raise questions of the proper application of law. Public officials need to know what the law is and we’re going to decide [these cases] even if the particular election or the particular prison term or the particular whatever is over and done with.’”

At the time Christ took on the task of petitioning the Supreme Court, there were no attorneys on record for the Campaign. Christ agrees that the Bar’s support was key.

At oral argument, Christ asked the justices to affirm the Oregon courts’ position, noting that all 49 other states and the federal courts have long recognized the need for courts to rule on moot issues that are important. Hinke explained, “We are thrilled to have an event that creates this kind of momentum for the Campaign right out of the gate,” says Ed Harnden, Co-chair of the 2004 Campaign. “It was just amazing to look out into the room and see 750 people gathered together to help launch this year’s Campaign.”

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**Practicing law is a privilege ...I believe there is a corresponding obligation to make sure that everyone who needs a lawyer has one.” **Attorney Tom Christ
SUPPORTING THE FUTURE OF LEGAL AID – LOU SAVAGE

by Mabsie Walters

Lou Savage, former Executive Director of Multnomah County Legal Aid and now Senior Policy Advisor for the Oregon Department of Consumer and Business Services, has made a bequest to the Oregon Access to Justice Endowment Fund. Savage’s commitment to access to justice began in college. He recalls, “I took a class called ‘The Economics of Poverty’ and I saw the impact of legal services on the lives of the poor. I decided to go to law school. It wasn’t just, ‘Oh, it would be fun to be a lawyer.’ It was, ‘I want to be a legal aid lawyer.’”

Savage worked for legal services in Multnomah County for seventeen years. He began as a staff attorney in 1974 going on to serve as executive director for eight years.

“When I took over as director of Multnomah County Legal Aid,” Savage says, “two-thirds of all money was federal money. A president had been elected whose goal was to zero out federally funded legal services. My goal was to diversify the funding and create funding sources that would be more stable and reliable. We knew that, even if the political environment changed, we could never again rely heavily on federal money for legal aid.”

Since then, significant new sources of funds have been established. By statute, a portion of each filing fee goes to legal aid, as does the interest on lawyers’ trust accounts (IOLTA).

The Campaign for Equal Justice, established in 1991, was another funding strategy. Savage remembers, “Ira Zarov, then director of Oregon Legal Services) and I spent a year and a half plotting it and the Campaign ship left the dock as I was leaving legal aid in 1991. The Campaign for Equal Justice has grown to be an important source of funding as well as an important advocate for legal aid. The Campaign has provided leadership and a way for the legal community to support legal aid—to adopt it as their cause.”

Savage is hopeful about the future of stable and adequate funding for legal aid. “The Oregon Access to Justice Endowment Fund is the next great effort,” he believes. “If this endowment can get off the ground, maybe provide a million dollars a year, it will form the foundation for funding that we can rely on when we’re assessing the legal needs of the poor and planning where resources should be directed.”

Savage wants to help raise money for the Endowment because “(W)e must keep working to expand and stabilize funding for legal aid if our justice system is going to work. Nobody understands this more than lawyers.” Attorney Lou Savage

OTLA lawyers gather to plan endowment effort

by Mabsie Walters

On a beautiful August evening, Governor Ted Kulongoski and First Lady Mary Oberst hosted a dinner on the terrace of Mahonia Hall. Chuck and Nancy Tauman, Linda Love and Michael Williams, Robert and Barre Stoll, and Larry and Peggy Wobbrock were co-hosts. Thirty-one OTLA lawyers, their spouses and three adult children gathered for dinner and conversation. The lawyers, all longtime generous supporters of The Campaign for Equal Justice, came together to discuss how to help guarantee the future of legal aid.

Chuck Tauman, who led the discussion, described the evening, “It was a perfect time to stop and reflect about the future, especially in such a peaceful setting and in the company of such gracious and committed hosts. We spent time talking about our shared history, the fact that in a sense we had grown up together, many of us having known each other for twenty or thirty years.”

“We had a chance to reflect on our careers as lawyers, people whose livelihoods have depended on a fair and accessible civil justice system, and that perhaps it is time to consider a payback to that system. One very logical and immediate way to make that payback would be to provide for the future of legal aid in our state through gifts to the Oregon Access to Justice Endowment Fund. This would be a lasting way to demonstrate our commitment to legal aid.”

Husbands and wives had an opportunity to hear the lawyers’ commitment to justice and to the civil justice system. The presence of two high school students and a recent college graduate was nice because it linked the generations. It was evident that these young adults were very proud to hear their mothers and fathers talking about providing for legal needs of the next generation.

Tauman believes the assembled lawyers were very receptive. “I was pleased with the conversation. We discussed several ways of making the kind of contribution that would be meaningful not only today, but for generations to come.”

The lawyers who hosted the dinner intend to continue working with a small group of OTLA members to formulate the specifics of this plan. Fifty thousand dollars remains to be raised to complete Robert Stoll’s matching gift of $100,000. Any OTLA member is welcome to join the conversation at this stage. To join the effort, please call Linda Clingan, Executive Director of the Oregon Access to Justice Endowment Fund at 503-295-8442.

Mike Neal and First Lady Mary Oberst – Barbara Slader, David Slader, and Governor Kulongoski – Jim Coon, Bob Stoll, Mark Bocci and Chuck Tauman

Mike Neal, Litigation Director for Legal Aid’s Oregon Law Center, described two significant recent cases, both currently on appeal. One lawsuit challenges the elimination of the state’s medically needy program, affecting thousands of people whose lives and mental health depend on prescription medications. The other lawsuit challenges the state’s practice of indiscriminately changing the eligibility standards of people receiving long-term care at home, often resulting in people losing their homes.

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Tauman believes the assembled lawyers were very receptive. “I was pleased with the conversation. We discussed several ways of making the kind of contribution that would be meaningful not only today, but would be meaningful years from now.” One proposal under consideration is a named fund to support a litigation director, the position held by Mike Neal at the Oregon Law Center, thereby ensuring that the work he does will continue in future years.

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