A Grand Tradition Celebrating a Century of professional courtesy and goodwill among Multnomah County Lawyers
By Hon. Garr M. King, US District Court.

Today, “professionalism” is actively promoted by numerous legal organizations through education programs, adoptions of codes and professionalism awards. In recent years the MBA has been a leader in this area, recognizing as early as 1986 that problems of unprofessional conduct were a subject of concern throughout the organized bar. Thereafter, the MBA adopted a Professionalism Statement, which was selected by the ABA as one of eight model mentor programs, and in 1998 convened a “Summit on Professionalism” of “courtesy, ethics of personal damage

The Object of the MBA set forth in the Constitution was: “To raise and maintain the dignity and honor of the legal profession, and to prevent it from degenerating into a business; to increase its usefulness in promoting the due administration of justice; to cultivate social intercourse among its members, and to enforce such discipline among its members as shall promote the observance of dignity and courtesy among the members of both bar and bench, and prevent unprofessional conduct; and to recommend, advocate and work for the enactment of such laws as shall promote good government.”

–February 17, 1906

although minutes are missing from 1938-1978. What was occurring between 1911 and 1986? Were these years the dark ages of professionalism? Fortunately, the memories of practicing lawyers, and the example set by Multnomah County attorneys make it clear that professionalism was a fact of life for practicing lawyers.

To confirm my personal feelings, I discussed our professional history with a number of lawyers. Jack Faust (MBA President 1974-1975) recalls that when he was a young lawyer “professionalism was little discussed because it didn’t need to be; professionalism was a way of life.” While the MBA did not have a staff, it held monthly meetings, and had a wonderful annual banquet and put on some legal and educational programs. He recalls that lawyers dealing with each other rarely sent letters confirming discussions. There were a few attorneys who presented problems, but everyone knew who the “bad guys” were.

Cliff Powers was admitted to the Oregon Bar in 1930 and practiced in Multnomah County for over 70 years. He recalls that when he was in law school he was told by one of his professors “you will never get rich, but you will be respected in your community.” This was the message he carried with him into the practice of law. Cliff practiced in both small firms and as a sole practitioner. He recalls that from the ‘30s into the ‘80s it was not the practice to write letters confirming agreements. You trusted and respected the lawyers you dealt with. Cliff recalls only one run-in with a lawyer over professional conduct (a retitled judge). “The bar was like a family; the general atmosphere was civil and professional. The lawyers were my friends, and I was proud to say that I was a practicing lawyer.” Cliff recalls the development of the Multnomah Bar, and believes that as time went by, it was important to the bar, particularly to the younger lawyers.

Tom Cooney has practiced law in Multnomah County since 1956, and was a recipient of the MBA Professionalism award. He recalls that “in the old days” you ran into the same attorneys on a regular basis. Lawyers seemed to practice by the “golden rule.” It was not unusual to meet the other lawyer for lunch, agree on what discovery would be taken, talk about the case and at least make a start on getting it amicably resolved. Lawyers seemed to have mutual respect for each other and wanted to protect their reputations for fair dealing. At that time there were fewer than 1,000 practicing lawyers in Multnomah County (the thousandth lawyer was sworn in by Judge James Crawford in 1961). As the bar grew it did seem that lawyers became more adversarial and antagonistic and this resulted in the convening of the Summit on Professionalism by the MBA President Al Menashe. The goal was to get back to the professionalism level previously experienced.

Bill Crow, who was admitted in 1961, is a former OSB president. His general feeling was that the lawyers “knew and respected each other.” If there was someone you couldn’t trust “word got around.” Bill hasn’t seen a decline in professionalism. While he recognizes that in the “olden days” lawyers tended to know each other, he believes we have a very good bar which is cooperative/competitive, honest and does not engage in obstructionist conduct.

While there was no formal program in the past, mentoring was a fact of life among the lawyers and was particularly important to the many lawyers who practiced alone or in small firms. Tom Carter, who began practicing in 1966, recalls that he...
Judicial independence is a cornerstone of a democracy committed to the rule of law. It is incumbent on both lawyers and judges to educate the public about the critical importance of judicial independence so that Oregon’s citizens will continue to support and keep faith with the state’s history of dedication to the fair and impartial administration of justice.”

Chief Justice Paul J. De Muniz

As the partisan drama of a Supreme Court confirmation unfolds in the nation’s capital, and as so-called “Judicial Accountability Acts” begin to proliferate nationally and as initiatives in Oregon, it is the right moment to recall the history of judicial independence in Oregon and the place of the MBA in that history. Spanning nearly all of its hundred years, the MBA has played an effective, important role in the fight for judicial independence in this state.

From 1859-1931, judicial elections in Oregon were partisan, with judges running on the ballot under the banner of the political parties. In 1912, at the time of the OSB’s centennial, “impartial” discharge their duties. The state’s history of dedication to the fair and impartial administration of justice. "go on record approving the principles of a non-partisan judiciary. "

Chief Justice Paul J. De Muniz

In a 2002 Willamette Law Review article on judicial independence (which is cited by Justice Stevens in his dissent for Justice Johnson in the recent judicial elections case and from which I have gratefully lifted some of the Oregon historical facts in this piece), Oregon’s Chief Justice Paul J. De Muniz observed that lawyers who were hard to deal with always treated lawyers in the large firms. He cannot practice law in a vacuum. People will treat lawyers who were hard to deal with as trial lawyers in Oregon deal lawyer-to-lawyer courtesy for granted. One reason is that lawyers in Oregon deal lawyer-to-lawyer courtesy for granted. One reason is that the increasing professionalism, civility and collegiality. In Oregon, we require a high professional and collegial manner. It is true that with the growth of the bar, lawyers are more considerate of each other. The Multnomah Bar has a grand tradition of courtesy, cooperation, candor and of mentoring new lawyers, and it is clear this is one of the reasons lawyers is that the MBA practices in a very professional and collegial manner. It is true that with the growth of the bar, there are more “offenders” now than in the past, but this is probably due to a lack of training and communication.

Lawyers are problem solvers; their conduct should not increase difficulties between people who already have difficulties. In Oregon, we require a high level of professional conduct from our practitioners. Since its inception, the Multnomah Bar has set an example for professionalism and courtesy among lawyers and continues to strive for the highest standards of ethical conduct, professionalism, civility and collegiality.

A Grand Tradition (continuation)

had a number of lawyers who acted as mentors as he was learning the ropes. They were willing to answer questions and assist in any way that they could. As a small firm practitioner, he experienced the same good will and professional cooperation as the lawyers in the large firms. He cannot recall a real ethics controversy and stresses the collegiality that he had with the practicing lawyers.

Justice Edwin Peterson

practiced law in Portland from 1957 to 1979 when he was appointed to the Oregon Supreme Court. (Ed was the MBA president in 1972-1973.) Ed liked to say that you could put up a board with the names of all the practicing lawyers, fire a dart at it, and just about every time, hit the name of an honest, upright, cooperative advocate. He also recalled that lawyers who were hard to deal with often received retribution from their opponents. “Their professional life was not a happy one.”

Garry Kahn started practicing as a plaintiffs’ lawyer in the early ’60s. He recalls Judge James Crawford (MBA President in 1929-31), who taught ethics at Northwestern College of Law telling his students that “you don’t
Minutes of Meeting of Multnomah Bar Association
October 13, 1937

By Ralph C. Hoeber, MBA Secretary.

On Wednesday, October 13, 1937, a luncheon meeting of the Association was held at the Portland Hotel with 113 in attendance. President John A. Beckwith presided.

Mr. W. M. Davis reported on the state of health of our good friend and fellow member, Mr. George S. Shepherd. He was moved and passed to send the patient a bouquet of flowers as a visible indication of our esteem and good wishes for a speedy recovery.

Mr. Arthur A. Goldsmith, chairman of the Golf Committee, reported on the Association's golf tournaments. That a record of the three tournaments, the winners thereof, and a list of the firms and individuals donating prizes, might be preserved for the future, Mr. Allen H. McCurtain has included this information in a letter dated October 12, 1937 and addressed to the secretary. This letter is appended to the minutes of the meeting.

A report on the meeting of the American Bar Association and an explanation of what that Association means to Oregon lawyers, was given by Mr. Sidney Teeter.

The meeting which is the subject of these minutes, had been called to honor two new judges in the state, and to introduce to the bar the lawyers of our county who, within the past year, had been admitted to practice in our state. The Program Committee had invited Judge J. P. Kavanaugh to speak for the bar on “Oregon's New Judges,” Mr. Justice Claude McCulloch of the Federal District Court for the State of Oregon, and Mr. Hal S. Lusk, of the Supreme Court.

Making the point first that these judges are “comparatively young men, as we measure the span of professional life; their stars are still in the ascendancy, their faces turned toward the future”, and then the point that the honor conferred upon them was “the reward of honest, patient toil, - a salutary lesson, especially to our younger brethren”, the speaker then developed his main thesis. Our duties as members of the profession to the judges, the duty of judges toward the profession, and our common tradition of service to the Nation and mankind. At the conclusion of the speech, the membership arose to their feet with one accord, in delighted appreciation of the masterful address. An almost verbatim copy of the address as given, is appended to these minutes.

This address was followed by one entitled “Welcome to the Ranks”, given by Judge James W. Crawford, to lawyers of Multnomah County who had been admitted to practice during the past year. Your secretary regrets to report that before Judge Crawford was well into his speech, your secretary was so awed by the combined oratory of the two speakers, that he forgot to take notes on this second speech. When he later approached Judge Crawford to express amount of his talk, he could recall it approximately, the judge informed his petitioner that he would take the matter of furnishing a copy under judicial advisement, where the matter still is. Your secretary feels it his duty to call attention to the fact that by section 28-1702 of the Oregon Code, it is the duty of any judge to decide any question submitted to him within three months of such submission, that more than three months have elapsed since the petition for the copy of the speech, that by said section, unless a judge swear all matters submitted to him more than three months ago have been decided, he may not draw his salary. If the delinquent judge in this matter does not furnish a copy of the speech with all due dispatch, the secretary will move this Association for authority to issue a nunc pro tunc order, thus enabling the said judge to continue collecting the more tangible emoluments of his office.

At the conclusion of the address just alluded to, the new members of the bar, introduced by one, and certificates of membership in the Association, running to the next annual meeting, were presented to these new members of the bar with the compliments of the Association.

This brings the account of the meeting to a close, and while by the rule of strictius juris, comments unconnected with meetings of the association have no place in the minutes thereof, your secretary cannot refrain from adding as he relinquishes today his duties of office, that it has been a pleasure to serve you. The big compensation of the office is that it enables the young attorney to widen his acquaintance and contacts with the bar in a way he otherwise could not possibly do.

For that privilege, I am grateful. I have also appreciated the opportunity to work with President John Beckwith, and chairman of the program and entertainment committee, Jack Binford. By the nature of the secretary's close, and from that acquaintance and contacts with the bar in a way he otherwise could not possibly do.

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The Early Years

The opinions voiced by the local attorneys who first gathered to discuss forming a political organization featured on the first page of this pullout.

A resolution adopted in 1913 described a judicial system in need of reorganization.

The December 1919 meeting had a long agenda with two endorsements: one for a non-political judiciary and the second “endorsed the restoration of the accused is convicted of first-degree murder or treason with the proviso that the Jury should fix the penalty”.

In January 1930, the MBA approved a motion to conduct a “secret and unidentifiable questionnaire to each attorney in Multnomah County” asking their opinions on prohibition, known as the Volstead Act.

A year later, the legislative committee was “instructed to draft proper legislative measures to prevent trust companies from engaging in the practice of law, with full power to represent such bills as seemed to them the best interests of the legal profession.” During 1933 and 34 there was concern about “unlawful practice of law, particularly by public notaries.”

The Recent Years

We jump ahead to 1982 because we have no meeting minutes again until 1978. September 1982, the board conducted a preference poll of members seeking their opinions on the establishment of a police review board. The Board passed a resolution in 1982 to establish trust-bearing lawyer trust account programs that would benefit “legal aid to the poor, improvement of the administration of justice, promote the study of law, research in the law, legal education and the diffusion of legal knowledge.”

The board unanimously authorized a press release in 1986 indicating an opinion on an upcoming jail levy. The next year, a committee was appointed to promote new circuit court judgeship positions in Multnomah County.

On September 10, 1992 the board passed a motion opposing Measure 9, which would prohibit “public school instruction encouraging, promoting, sanctioning homosexual, bisexual behaviors.”

Many members saw certain 2000 and 2002 ballot measures as threatening to politicize Oregon courts. The MBA opposed them and worked with a large coalition to defeat the measures. When asked about why he thought the MBA chose to weigh in on those particular measures, Bob Newell were able to convince the members of the Committee and the County Commission of the need to build a new courthouse and not simply attempt to refurbish the existing courthouse. Significant efforts were made with the MBA’s active involvement, including appearing at a public hearing.

At its December 2004 meeting, the MBA Board adopted a resolution to support ballot Measure 30 which would “help ensure adequate funding of the justice system.”

After reading this short retrospective on MBAs political history, you may have formed an opinion on the question posed at the start. More importantly, I would encourage you to consider how our members’ guidance might be on future activity in this sometimes controversial abyss that occasionally opens and invites us in.

A League of Their Own

The Women’s Association continued to grow. At the end of 1961 there were 534 paid members; membership fees were $2. As they became more popular and influential, the group was able to give money to the legal aid office for books and a typewriter, to contribute to furnishing the state bar, and to sponsor “law-oriented projects” as well as the growing scholarship fund. In 1965 they gave out four scholarships, some worth up to $500, according to the OSB Bulletin, January 1965. They also began providing volunteers for the Juvenile Home and led tours of the courthouse. Their success continued throughout the 1960s. Post scholarships in 1967–68, the association had over $1,200 left over in their budget. They gave a total of 31 scholarships between 1959 and 1979. No woman ever received a scholarship.

The bar has no substantial record of the Women’s Association’s existence save the scrapbook, but they were obviously influential in the community and aided both the students and people hoping to get affordable legal access. As the 1970s dawned, the organization probably began to look antiquated in the face of feminism. Women could enter the law as lawyers, not wives and many probably saw the Women’s Auxiliary as a kind of outdated cheerleading squad. In any event, there was no further records. But to dismiss them as outdated minimizes the good work these women did for the community and their efforts not only to bring together Portland women community did, but to help students and the underprivileged gain access to education and legal aid.

Mark May 13 on your calendar for the MBA 100th anniversary party at the Portland Art Museum.