

Pro Bono Young Lawyers Section

Ask the Expert

Dear Expert,

I am a new lawyer dealing with one of my first big cases. We had our first hearing in the case last week and we did not get the result we hoped for. My client is very upset about the outcome and became even more angry when he received his bill last week. I have a meeting scheduled with him to go over everything. He has a temper, and I need to know how to calm him down if he starts getting upset.

Young Lawyer with Angry Client

Over time, you will learn that dealing with angry clients is just part of the job. The first step is to take a deep breath before your meeting with your client and make sure you are calm. You should try not to argue with your client about his perspective on the situation. Also, try not to blame others for things that may have gone wrong.

Try to put yourself in your client's shoes and think about how you would want to be treated. Think of a time you were unhappy with a service provider

and what you expected. Listen to your client without interrupting him. Express empathy to your client ("I can tell you are upset"). Make sure you understand all of your client's concerns and ask him questions to clarify if needed. Repeat back to him his concerns to let him know that you understand them and that you were listening. Talk to him about possible resolutions and seek his input on what he would like to happen. Discuss with him the actions you will take to resolve his concerns and follow through with those actions.

Keep in mind that having an angry client does not necessarily reflect on your skills as a lawyer. People who are involved in litigation are often experiencing high levels of stress and can easily become upset. The most important thing is how you handle the situation. If you let him know that he has been heard and that he matters to you, you will greatly increase your chances of calming your client down and appeasing his concerns. Good luck!

Oregon's U.S. District Court Pro Bono Program Via Adele Ridenour, Dwain Clifford, and Amy Heverly

by Abby Miller
YLS Pro Bono Committee

Two questions often arise when contemplating pro bono services: (1) where to find the time, and (2) where to volunteer. Adele Ridenour, a partner with Ball Janik, LLP, whose practice focuses on construction and design defect litigation, has an interesting answer to the first question: there is always time. Adele believes that it is not usually an issue of time that holds attorneys back from providing pro bono services. Rather, it is an issue of confidence. Often providing pro bono services means taking cases outside one's area of expertise, which can be intimidating and, when a task seems overwhelming, it is easier to put off because there is "not enough time." Adele's advice: focus on one area of interest or one group and wade in slowly to providing pro bono services slowly. Once your feet are wet, you will gain confidence. As an example in her own practice, Adele "waded in" by providing pro bono services through the U.S. District Court Pro Bono Program. This program allowed her to take on one case and help a client obtain a successful resolution. (The program also reimburses some out-of-pocket expenses, which may help quell one of the other concerns of attorneys contemplating pro bono services: finances.) In that case, Adele, along with another colleague in her firm, helped a homeowner work through the process of renegotiating a home mortgage in a situation where the lender began the foreclosure process without considering the owner's requests for modification. Adele was able to work with the lender and come to the best

possible resolution, given the circumstances, for her client. After her positive experience, an attorney in Adele's firm handled another case for the district's program that recently went all the way to trial.

The case was a 1983 action that had been filed pro se by a prisoner in the Oregon State Penitentiary. The suit challenged the penitentiary's censorship of certain emails sent by the prisoner on First Amendment grounds. The prisoner had successfully overcome a motion for summary judgment and the case was proceeding to trial. The judge felt it would be in the litigant's best interest to have counsel appointed to assist in the prisoner's case preparation and trial presentation. The court contacted Dwain Clifford, a partner with Ball Janik whose practice focuses on insurance coverage and who had volunteered to assist. Dwain got to work obtaining the necessary discovery, including depositions, to prepare the case for trial, a task made more complex by the fact that his client was incarcerated so means of communication were limited.

As the case proceeded and trial loomed, Clifford sought the assistance of Amy Heverly, an associate with Ball Janik whose practice also focuses on commercial litigation, who volunteered to assist. Given the nature of the case, both Dwain and Amy had to quickly learn a new area of law. While learning a new area of law is often a daunting prospect that leads many to shy away from taking pro bono cases out of their area of expertise, the district's program made this task less

formidable by putting Amy in touch with a mentor attorney with years of experience in 1983 actions.

The case culminated in a two-day jury trial where Dwain and Amy presented their case on behalf of the prisoner. The district's pro bono program made it possible to have counsel representing the prisoner present in the courtroom (the prisoner attended trial via live video feed) and provided a much-needed service to the prisoner. Dwain and Amy's representation also made the court proceedings more efficient, which was appreciated by the plaintiff, the court, and the jurors. Ultimately, the jury deliberated over the issues and evidence presented for over four hours before returning a verdict in favor of the penitentiary. Despite the outcome, their client was very grateful for all of the work and effort Dwain and Amy put forth.

Dwain believes the pro bono experience was quite rewarding. It was a unique opportunity that allowed him to work with a different litigant than his normal clientele. Further, it allowed him to present his client's case to a jury, giving him an opportunity to fight for his client's Constitutional rights. Likewise, Amy explained that her involvement in this pro bono case allowed her the opportunity to learn about a new area of law and provided hard-to-come-by trial experience. While it was initially intimidating, if not downright frightening, to take on a pro bono case outside her area of expertise, Amy believes the experience was well worth it. She praised the local legal community for being full of friendly people willing to help. The time commitment and fear of the unknown were daunting, but Amy overcame these hurdles with the gracious assistance of colleagues, and believes the experience was well worth it. Both Clifford and Heverly agree this was a unique and worthwhile opportunity that provided them with invaluable trial experience.

YLS Community Service Day Recap

by Bryan Thompson
YLS Service to the Public Committee

On March 19, YLS and other MBA volunteers joined the Forest Park Conservancy for its Spring Day of Stewardship, helping the Conservancy preserve Portland's iconic urban forest. In just three hours, YLS and MBA members, along with 140 or so other volunteers from

all throughout the city, helped to remove 19,000 square feet of ivy and other invasive species from the slopes of Portland's great urban forest. Showing that many hands make light work, the volunteers helped repair trails, build drains, fix switchbacks, and plant over 400 native plants throughout the park. But our brave YLS and MBA members did put their lives on the line during the Spring Day of Stewardship, dodging poisonous hemlock plants while pulling ivy from the ground - fortunately no one was tempted to eat any, so all made it through the day unscathed!

All told, the event was a great success, with members of Portland's legal community joining ranks to help keep one of the best urban forests in the nation healthy, and preserving one of the jewels that makes the Portland region one of the best areas to live and work.



This group includes MBA members Dave Baca, Emily Clark, Grant Engrav, Kevin Stokes, and Bryan Thompson

