

# AdvanceSheet

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## SHATTERING THE GLASS CEILING & BUILDING ON OUR STRENGTHS

By Jamienne S. Studley, ABA Commission on Women in the Profession

*The following remarks are taken from a keynote address given at Oregon Women Lawyers' fourth annual conference.*

The recent Winter Olympics in Albertville were a real highlight of this winter for me. I felt a wonderful glow of pride that all five of the U.S. gold medals were captured by women, women who pushed the limits of their energy, shattered the ceiling of their endurance, and ascended to the pinnacle of their sports.

We have experienced some visible strides and meaningful accomplishments closer to home, too. We can be very proud of the women lawyers who have been in the public spotlight this year. Women judges presided over the William Kennedy Smith and Mike Tyson trials, skillfully and professionally. Two fine women are running for the



Jamienne Studley

presidency of the ABA, Joanne Garvey of California and Roberta Cooper Ramo of New Mexico, and another, Roxanne Conlin of Iowa, is president-elect of the American Trial Lawyers Association. Carol Mosley Braun of Illinois stands a real chance of being the first black woman U.S. senator, a long-overdue first. Hillary Rodham Clinton, the founding chair of the ABA Commission on Women in the Profession, is the voice and lightning rod in the highly charged public debate about two-career families, women's choices, and the complex meshing of the roles of professional, wife, and mother. And of course, Anita Hill galvanized the nation, breaking open the "dirty little secret" about the pervasiveness of sexual harassment in our society, and now uses her visibility to educate and to give voice to the injustices and indignities suffered by women without power and access. Each of these lawyers is a gold medalist in her own right.

Some accomplishments of women lawyers can also be measured in growing numbers as we

move beyond historic "firsts" in many positions. However, I share these statistics with you with mixed feelings, for how we cast the numbers really depends on our perspective, our politics, or our mood.

Is the glass of accomplishment half full or half empty? Should we say proudly, for example, that women now serve on the highest court in over 30 states, or should we say that only one in ten state judges is a woman?

We can concentrate on the news that half of all law students are women, or instead on the reality that still only 8 percent of law school deans and 25 percent of the full-time faculty are women. Or we can humanize the numbers and see not a small percentage of deans for example, but such effective, creative committed women as Judith Areen of Georgetown, Ellen Jordan of UC/Davis, Susan Westerberg Prager of UCLA, and Herma Hill Kay, soon to take the reins at Berkeley.

Some numbers, however, are quite eloquent. As my Commission colleague Barbara Mendel

*Continued on page 5*

By a unanimous ballot, OWLS member **Julie Frantz** has been elected the **OSB Board of Governor's president-designate** for the coming year. If she is confirmed as president-elect when a second vote is taken in August, Frantz will be the first



Julie Frantz

woman to serve as president. We offer our heartiest congratulations on a truly historic victory! (Other stories about women on the Board of Governors inside on page 3)



## President's Message

As many of you know, Kathryn Ricciardelli will assume her duties as president in September, when I retire from office and from the Board of Directors.



I would like to take the opportunity in this, my last President's column, to reminisce a bit. In 1988 the MBA Committee on the Status of Women, together with others of us who were interested, began discussions for a state-wide organization. We announced a breakfast meeting at the 1988 Annual Bar Meeting to discuss our proposal and were shocked and thrilled to have over 60 attend. From that meeting grew a steering committee, which began bi-monthly meetings at the home of Katherine O'Neil.

Our expectations were high, indeed—our first "event" was the first Annual Spring Conference on April 1, 1989, just

one day after Oregon Women Lawyers was officially incorporated.

The growth of our organization has been phenomenal. We have received support from women and men, from attorneys, judges, and lay persons. We represent members from all over Oregon and outside the state. We have accomplished much. Each year we have added to the programs we originally established, and we have increased the number of persons we have tried to serve.

Although our state-wide growth has been slower than we had hoped, we continue to add chapters across the state. Roseburg recently formed a local chapter, and in June I traveled to Pendleton to meet with a number of members from eastern Oregon.

In addition to providing programs for our members, we are looking outward. This fall, Working Parents Forum has planned a two-hour CLE on the Family Medical Leave Act. The program will be of interest not only to attorneys but to our clients. It will also help us provide community service consistent with our mission and purpose.

As I leave office, I am as excited about

the vitality and promise of this organization as when I became involved in 1988. I have promised Kathryn and the Board that I will remain committed to the organization, serving on the advisory board and chairing a committee, so you haven't seen the last of me.

I can't begin to name everyone who has been instrumental in helping me for the past two years. I've served with two Boards and two sets of officers, and I thank each of them for their commitment of time, vision, and work. Thank you also to all the committee chairs and members without whom this organization could not function. Special thanks to our executive director, Diane Rynerson, for the incredible energy she devotes to Oregon Women Lawyers. Diane has been a wellspring of information and help. Last, but certainly not least, I thank all of the members of Oregon Women Lawyers for the opportunity to serve this wonderful organization. You must never forget that it is yours and is here to serve you.

  
Agnes Sowle

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## ROSEBURG WOMEN LAWYERS ORGANIZE

Women lawyers in the Roseburg area have formed a new group named the **Myra Bradwell Forum**.

Myra Colby Bradwell played a major role in women's struggle for equal opportunity. In 1869 she passed the Illinois state exam required to practice law but the Supreme Court denied her admission to the bar in a decision based solely on her gender.

Bradwell, undaunted by the highest court's rejection, went on to the Illinois Legislature for a special charter, under which she became president of a weekly legal newspaper—The Chicago Legal News. It was through her editorials and her influence in legal circles that Bradwell was instrumental in changing many Illinois laws that discriminated against women.

In 1890 the Illinois Supreme Court, acting on Bradwell's original application for admission, admitted her to the bar. She was 59. *Bradwell v. The State*, 83 U.S. 130 (1872). For more information, call Diana Wales at 673-0696.



## Knupp and Henry Run for Board of Governors

Oregon Women Lawyers members Emily Lynn Knupp and Judy S. Henry are running for the Oregon State Bar Board of Governors (BOG). Knupp is running for Region 4, a seat currently held by Agnes Marie Petersen, also an OWLS Board member, while Henry is seeking the Region 5 seat now held by BOG president Bill Crow.



Emily Lynn Knupp

Emily Lynn Knupp is a lawyer in individual private practice in Washington County, with a focus on civil trial practice and family & juvenile law. Some of Knupp's professional and community activities include serving on the board of the Family and Juvenile Law Section of the Oregon State Bar and of the Washington County Bar Association, serving as president of the Washington County Public Affairs Forum and chairing the Washington County Community Action Organization, and serving as chairman and lobbyist for the Washington County Juvenile Service Commission.

As a Board of Governors member, Knupp hopes to promote professionalism, take a leadership role in combining career and family issues, improve participation in Bar activities by small firms and sole practitioners, improve communication between the Bar and the non-metropolitan counties, and improve communications with the Oregon legislature.

Judy Henry is an attorney at the law firm of Kell, Alterman & Runstein. For the past nine years she has practiced both criminal and civil law in the public and private sectors. She has been a Multnomah District Court pro tem judge since 1990 and has been an adjunct professor in the Administration of Justice Department at Portland State University.



Judy Henry

Henry is also a long-time advocate for women's rights. While living in Hawaii in 1979, she co-organized the first International Women's Day celebration in the state, and during the past three years she has given several seminars in Oregon and Washington on the subject of sexual harassment in the workplace.

As a BOG member, Henry's goals would be to encourage and promote the Bar's sensitivity and assistance to all practitioners in order to improve the quality of their professional and private lives. She would also work to bring greater participation of women and minorities in the law and law-related activities.

### *Families in Law*

## For Noreen Saltveit, Law Is a Family Affair

When Noreen Saltveit and her older brother Bernard Kelly received their law degrees from the University of Oregon in the mid-1950s, they were the third generation in their family to enter the profession. Their grandfather, Edward Emmett Kelly, was admitted to the Illinois bar in 1896, the North Dakota bar in 1897, the Idaho bar in 1899, and the Oregon bar in 1907, when he moved to Medford. In 1927, Saltveit's father, Edward C. Kelly, graduated from law school at University of Oregon and joined his father in a general law practice that



Noreen Saltveit

included civil and criminal litigation.

The elder Edward Kelly was renowned as one of the main activists to fight the Ku Klux Klan in southern Oregon—with editorials in the Medford Mail Tribune, ordinances promoted through various city councils in the Rogue Valley, the courts, and even his fists! Once, father and son guarded a homestead all night with shotguns after a Klan threat was made.

The younger Kelly also worked with the Roosevelt administration during the early days of the New Deal, work that took him to Washington, D.C.; Kearney, Nebraska; Portland, Oregon; and Nome, Alaska until 1943, when he joined up and was sent to England and France. After the war was over, he re-

turned to Medford and resumed the practice of law.

Saltveit remembers her apprenticeship with her father in Kelly & Kelly as wonderful. They tried many cases together, as did her father and brother, until 1957, when Edward Kelly was appointed circuit court judge for Jackson County. Saltveit and her brother also tried a number of cases together until 1960, when Saltveit moved to Portland. Since 1970 (two years after Edward Kelly died) Bernie Kelly has lived and practiced in Anchorage, Alaska.

Saltveit married in November 1960 and practiced law continuously, except for a year spent in Mexico. For nearly five years she tried cases as an assistant attorney general. As her children got older, her firm devolved into a partnership of Charlie Merten and Saltveit. Much of her work has been concentrated in workers compensation defense, although since 1991 her practice has shifted to mediation and arbitration.

None of Saltveit's children has gone into law, though all have done paralegal work in her office. Her brother Bernie's daughter Marian is in her second year at law school. Saltveit is a newly elected member of the OSB Board of Governors.

### Women Now Make Up Half of the OSB Board of Governors

With the recent election of **Noreen Saltveit** to the OSB Board of Governors, the membership of that body is now composed of an even number of women and men. Saltveit will fill the seat vacated by The Honorable Charles Crookham when he was appointed attorney general.

For women lawyers in Oregon, filling half the seats on the Board of Governors is a real reason for celebration, considering that only 12 years ago, **M. Christie Helmer** was the sole woman member. With considerable moral and campaign support from members of Oregon Women Lawyers, Helmer was followed by **The Honorable Ellen Rosenblum, Ruth Spetter, Agnes Petersen, Sylvia Stevens, Gayle Troutwine, Marilyn Harbur, Julie Frantz, and Janet Lee Hoffman.**



# Take Notice!

■ **Lane County Women Lawyers Association Officers for 1992-93.** Congratulations to the following members, who will be the LCWLA Officers for 1992-93: Marjorie Schmechel, Director; Mary Wagner, Editor of the LCWLA Newsletter; Jane Stewart, Program Chair; and Kathleen Hynes, Treasurer.

■ **Annual Meeting. The National Conference of Women's Bar Associations** will hold its annual conference August 7-10, 1992, at the Holiday Inn Union Square in San Francisco. A list of speakers and panels suggests that this is going to be an unusually interesting event. At the Thurgood Marshall Awards Dinner on Saturday, August 8, Justice Marshall will be presenting the awards. Keynoting the luncheon meeting on Sunday is former Chair of the ABA Commission on Women **Hillary Rodham Clinton**. Speakers for the Sunday breakfast panel on "Strategies for Empowering Minority Women Lawyers" are **Professor Anita Hill** and OWLS member **Peggy Nagae Lum**. Hill will also be one of the individuals receiving a special award at the Sunday Margaret Brent Women Lawyers of Achievement Awards Luncheon. Panel subjects include "How to Make the Judicial Process Children Friendly," "Women's Health: Where Is the Power Over Our Bodies?," "Expanding Your Client Base," "Emerging Issues in Sexual Harassment," and "Pregnant Substance Abusers and the Role of the Court." The suggested contribution for the annual meeting is \$30.00. Agenda and registration forms are available from Oregon

Women Lawyers. For more information, call Diane Rynerson at 775-9021 or Mary Ann Coffey, NCWBA executive director, at (919) 482-8202.

■ **Oregon Breakfast Meetings. The Northwest Chapter of The Society of Professionals in Dispute Resolution (SPIDR)** has two more breakfast meetings planned for this year. Please bring other interested dispute resolvers! The breakfasts will be held at 8:00 a.m. on Friday, August 28 and Friday, October 23 at the Sweetbriar Inn Restaurant, Tualatin.

■ **Money Matters.** At its May meeting the ABA Board of Governors was presented with a balanced budget for FY 1992/93 that reflects a general scaling back from the original long-range financial plan and assumes there will be no grant funds from the American Bar Endowment. The Board will also be given a list of "priority needs"—additional requirements which, subject to Board approval, can be funded if money from the Endowment is forthcoming after the ABE Board meets in June. The Board will need to determine whether any or all of the priority needs list will be funded in the absence of an ABE grant. Appeals will be heard in August.

■ **Civil Rights Redux.** ABA Governmental Affairs has been lobbying in support of two amendments to the Civil Rights Restoration Act of 1991. The Equal Remedies Act would remove the cap on compensatory and punitive damages, and the resulting lack of parity of remedies among protected classes of victims of employment discrimination. The Justice for Wards Cove Workers Act would remove the exclusion for Wards Cove workers from application of the Civil Rights Act.

■ **Bar Leadership 101.** At the Bar Ser-

vices Division's annual Bar Leadership Institute in March, a record 250 emerging leaders of state, local, minority, women's, and specialty bar organizations participated in sessions on bar organization and management, justice system issues, communications techniques, and resources available from the ABA. The next BLI is tentatively scheduled for March 11-13, 1993.

■ **Why Can't A Woman Pay Less Like A Man?** The Family Law Section polled the 300 attendees at its recent Spring Meeting about a number of lawyer-client issues related to divorce law. Among the questions addressed was whether women pay more to get a divorce than men do. Ninety-three percent of the respondents agreed that more discovery time—a major expense in divorce proceedings—is generally needed for the wife's lawyer to adequately determine the couple's financial status. The same poll found almost unanimous agreement that angry feelings about a divorce can adversely affect a client's assessment of the quality of services rendered and the fairness of the fees charged.

## Congratulations to OWLS Primary Election Winners...

- **Marc Abrams**, who faces a runoff for a seat on the Multnomah County Commission;
- **Gail Shibley**, Democratic candidate for the District 12 House seat;
- **Susan Ward**, Republican candidate for District 12;
- **Beverly Stein**, winner of the Democratic race for the District 14 House seat;
- **Lisa Naito**, Democrat, who ran unopposed for the District 15 House seat;
- **Marge Garrow**, Democrat, for the District 54 House seat; and
- **Bob Packwood**, Republican candidate for the U.S. Senate.

All these winners are OWLS members, as are **Nancy Cook** and **Lauren Holland**, who face runoff elections. Cook is a candidate for the Coos County District Court seat of retiring Judge Charles Reeve and Holland is running for Lane County District Court Judicial Position 1.

After a recount, **Kate Brown** was declared the winner in her tight race with **Judy Bauman** for the District 13 House Democratic nomination.

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## Breaking the Glass Ceiling & Building Our Strengths continued

Mayden puts it, "they jolt us out of the complacency that things are getting so much better that full integration will naturally come with the greater numbers of women coming out of law school." A study of the Harvard Law School class of 1974 revealed that, ten years out of law school, of those in the class who had entered private practice, only 23 percent of the women were partners compared to 59 percent of the men. Overall, women now account for 11 percent of partnerships at large firms, but the pace of progress is "glacial," according to the *National Law Journal*.

This brings us back to the limitations of statistics: they don't tell us why. Are women choosing public service careers freely, or are they less likely to be offered law firms jobs? Are women's starting salaries lower than men's because other job characteristics are more important to women, or are they the victims of discrimination for the most lucrative jobs? The challenge is to assure that the numbers reflect real choices, rather than restricted options.

We still have our work cut out for us. We are now working on second-generation issues of glass ceilings and the path to advancement, responsibility, and coalition building. The underground railroad of women showing each other the way, the incredible generosity of women sharing what they have learned the hard way, is one of our greatest strengths and most powerful assets.

The next step is to go beyond telling each other the secrets of the existing system. In the next phase of our project we must challenge the hypotheticals, the traditional modes of thinking, that reinforce women's exclusion. Too often the people who have the power to establish selection standards fall back on traditional, superficial criteria instead of thinking about the substance of the job to be done. Applying selection shortcuts when both job requirements and the workforce are changing significantly risks poor choices and perpetuation of the status quo. At worst, it can lead to outright discrimination.

We don't let fire and police departments exclude candidates based on height and other non-predictive requirements anymore. Why should our profession get away with any less? Yet too

many law firms do their hiring on the basis of grades and law review membership, not necessarily good predictors of the common sense, judgment, and cooperation that are the real hallmarks of practice. And employers often miss out on talented female and minority candidates because their hypothetical ideal candidate is a 26-year-old graduate with a year's experience as a paralegal, rather than an older new lawyer with experience as a sales manager, nurse, parent, or teacher.

One of the most intractable, and damaging, assumptions is that commitment to law practice is measured by the extraordinary hours lawyers call "full

time." In the minds of many lawyers, a colleague who won't work killer hours isn't really committed, so those setting policies restrict the availability of reasonable time arrangements and signal their distrust and distaste for lawyers who employ them.

In law school we were taught to respond within the confines of the situation set up by the professor. Challenging the ground rules was called "fighting the hypothetical," and it was bad form. But sometimes fighting the hypothetical is the only way to test the underlying stereotypes and break out of traditional, and limiting, models of thinking.

### The Work of the Commission on Women in the Profession

"Challenging the hypotheticals" is an important part of the work of the ABA Commission on Women in the Profession.

- One of the Commission's most influential projects has been production of a manual entitled ***Lawyers and Balanced Lives: A Guide to Drafting and Implementing Workplace Policies for Lawyers***. What makes this project special is that the Commission confronts the common arguments against adopting each of these policies and makes the affirmative case, clearly and pragmatically.

- The ABA has adopted as one of its institutional objectives Goal IX, a commitment to increase the participation of women and minorities in the profession. The Commission produces an annual Goal IX Report Card, putting under a microscope the representation of women in ABA and section leadership positions. The Commission looks at the structural constraints and historic habits that inhibit women's advancement. For example, if committee chairs are appointed annually but in practice are assumed to have terms of three years or even life, and if nearly all chairs are men, the chances for women to move into those positions are pretty slim and distant. On another front, some of the bar's social patterns make women feel out of place, awkward, or unwelcome. Some organizations assume that wives will plan and execute social events; others center their meetings around highly competitive tennis or golf matches. The relatively recent presence of professional women alters the mix and often the mood at the social events that are a frequent adjunct of bar and other professional activities.

- The Commission is working with one very large ABA section, Law Practice Management, to conduct a glass ceiling review of the section to help it bring more women into significant leadership roles.

- The Commission is exploring the arena of assignments, evaluation, and promotion, the next frontier at which gender bias must be attacked. Here lurks the double bind for women — the dilemma of being regarded as too aggressive or too timid, the stereotypes about women's styles and interests, the damaging effects of having less access to mentors and institutional networks.

Jamienne Studley eagerly invites your comments and anecdotes about bias in the broad work and evaluation process and your thoughts about all the current and possible topics of the Commission's work. Mail them c/o Oregon Women Lawyers, P. O. Box 40393, Portland, OR 97240.



# Understanding Japan's Legal System

By Karen Quigley

*Ten years ago, few American lawyers would have dreamed of practicing law in Japan. Today, however, the possibility of working as a legal advisor in that country is one many of us may want to consider. Here we begin a two-part series on Japan's legal system with a look at that system's history and current structure.*

## A History of Foreign Influence

Today's Japanese legal system has historical ties to China, France, Germany, and the United States. Like its writing system, *kanji*, and much of its classical art, Japan adopted its oldest legal traditions, the *ritsuryo* system, from the Chinese, who placed absolute authority in the Emperor and created a subservient bureaucracy to support his dictates. From around the seventh century, *ritsuryo* mirrored this system.

Between the seventh and fifteenth centuries absolute centralization of power in the Emperor dissolved and lo-

cal leaders became the apex of power in Japan's *ritsuryo* model. During the Edo period (1600s), the highpoint of feudal Japan, the shoguns, an hereditary noble class with great military power, fashioned the rules for legal interactions in their respective military strongholds and used their male and female warriors, the samurai, to enforce these codes. At the time of the Meiji restoration in 1868 the feudal system of the warring shoguns was in decline. Power was again centralized when the Emperor was reinstalled as supreme authority over a more or less unified Japan.

In the late 1800s the present Emperor's great-grandfather, the central figure in the Meiji restoration, and his counselors were keen to impress Western powers, notably France and Germany, with Japan's move from feudalism to "modernization." This was the period in which Japan invited a number of foreigners to

serve as special advisors in an effort to emulate things "Western." Whether this was a form of flattery or a way to prevent Western powers from imposing their systems of law on Japan is an open question. However, as a consequence, Japan has a legal system that resembles that of Western, so-called democratic societies but operates in a totally different yet workable way, given the needs and traditions (particularly Confucianist traditions) of Japan.

This outward legal similarity but dissimilarity in practice helps explain some of the frustrations that business people from the United States and Europe encounter when dealing with Japan's laws and regulations regarding trade matters. In terms of U.S. influence, the post World War II occupation of Japan had a far-reaching impact on the Japanese legal system in at least two ways. First, the 1947 constitution imposed by the United States insured that the emperor would remain a figurehead, created a separate judiciary, and gave women the vote. Second, in the 1940s Japan adopted its Commercial Code, which is almost a verbatim copy of the United States Commercial Code.

Nevertheless, Japan's training and utilization of lawyers is in stark contrast to the prevailing system in the U.S. The total number of lawyers (*bengoshi*) admitted to practice before the court in Japan is approximately 14,500 compared to well over 750,000 lawyers in the U.S. In 1986 this figure meant approximately 1 lawyer per 2,200 people in Tokyo, or in a rural prefecture 1 lawyer per 40,000.

Also, most law firms in Japan are small—2-3 attorneys—or are solo practices. Tokyo has some large law firms but none approach the 200- to 500-person size found in the U.S.

## Becoming a Lawyer in Japan

Perhaps the greatest distinction between the U.S. and Japan is in the area of legal training. There is only one law school in Japan—the Legal Training and Research Institute—which admits only 500 a year. This shortage of lawyers has become a "trade issue" because it stifles the efforts of Europeans and Americans

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to gain the legal representation necessary to do business successfully in Japan.

The grueling aspect of Japan's legal training is at the point of gaining admission. The national entrance exam (*shiho shiken*) pass rate for admission to the Legal Training and Research Institute is around 2 percent. Unlike the LSAT in the United States, this entrance exam can be taken before finishing university. Even so, the average pass age is 28.

Once the two-year program at the law school is completed, there is another exam, but in contrast to the "bar exam" in the United States, the pass rate in Japan at this stage is nearly 100 percent.

The huge percentage of candidates who never gain admission to the Legal Training and Research Institute may go on to become tax specialists (*zeirishi*) or patent attorneys (*benrishi*), who are limited to giving advice in their respective specialties. Alternatively, they may become one of the around 17,000 *shihi shoshi*, judicial scriveners who draft simple contracts and other standard legal documents, or they may work in the legal department of some corporation.

Notwithstanding the apparently small number of *bengoshi* who graduate from the Legal Training and Research Institute, Japan has a large number of people who have had a legal education. Universities award an undergraduate degree in law, which is extremely popular and emphasizes legal philosophy and legal theory almost exclusively. All major companies in Japan have a legal department, even though the concept of "in house counsel" in the American sense is still relatively new. The corporate legal departments in Japan are made up of those university graduates with undergraduate law degrees or those who have shown an aptitude and received training in drafting and reviewing contracts and other corporate documents.

#### To Confront or Negotiate— That Is the Question

Japan's legal system, which emphasizes negotiation rather than confrontation, seems to keep the focus on discussions around the table rather than arguments in the courtroom. A standard contract is usually short (1-2 pages) and very vague by American standards and invariably includes the phrase, "The parties agree to meet and discuss to reach a mutually satisfactory solution to

#### Women Lawyers Overseas

**Gail P. Vore** left Portland June 1, 1992 for a two-year position with the Attorney General's Office for the Commonwealth of the Northern Mariana Islands, stationed in Saipan. This is a two-year sabbatical from her Portland law practice.

Vore will be working in the area of environmental law for the attorney general, whose office also has a civil and a criminal division. Jobs are also available in the Public Defender's Office and in private law firms. The civil side of the Attorney General's Office requires two years' experience; the criminal side requires none. A member of any bar can work for the attorney general, but to work for a private firm, one must be a member of the bar of Saipan.

**Karen Quigley** has just returned from two years working in Japan as a "foreign legal advisor." She reports that of the 80 to 90 foreign lawyers at work in Japan only a handful are women.

She also sees several ways in which Japan and the U.S. differ—in degree of deference paid to authority figures, willingness to criticize official decisions, access to information by private citizens, and recognition of women as equals in the workplace. These differences may create real problems for Americans working in Japan. However, for those interested in legal work there, two newsletters accept classified ads from attorneys looking for law jobs in Japan. One is the Roppongi Bar Association newsletter. The other is the newsletter of the Kaisha Society, a society for all foreign professionals working there. For more information, call Karen at 292-4781.

**Katherine Y. Zhang**, who worked for a Japanese bank in Beijing for several years, found she was considered a second-class citizen both because she was not Japanese and was a woman. She found that the Japanese men did not like her because she was independent but they needed her knowledge of the business and legal community of Beijing.



Katherine Zhang (left), Gail Vore (center), and Karen Quigley

any problems arising in the future between the parties." However, this attitude changes when foreign parties are involved.

The Japanese can treat non-Japanese in a most adversarial manner, making legal representation for non-Japanese even more critical. Of the total 14,000 *bengoshi* in Japan, perhaps only 200 to 500 can be considered *shogai bengoshi*, those who specialize in international transactions. Not surprisingly, Americans and Europeans have had difficulty gaining access to this limited resource.

In addition, *shogai bengoshi* hesitate to involve themselves in controversial situations, which can make the representation of foreigners problematic. The *shogai bengoshi* are said to be the "gatekeepers" for society vis-à-vis the rest of the world. A primary focus of their practice is to decide what is in the best interests of Japan. This is in obvious contrast to the idea in American legal prac-

tice that an attorney's primary obligation is to serve the best interests of his or her client.

One solution, of course, would be to allow foreign lawyers to practice in a limited way in Japan, as they did in the 1950s—for example, in partnership with Japanese attorneys. This idea has met with great resistance from the *Nichiren*, the Japan Federation of Bar Associations (equivalent to the ABA but with much greater authority for regulation of the legal profession.) Under pressure primarily from the U.S. government, the Diet passed a law which came into effect April 1, 1987 governing foreign lawyers in Japan. Many of the features of this law, unfortunately, fail to alleviate the "bengoshi shortage."

**Karen Quigley** has recently returned from Tokyo, where she worked for two years in two Japanese law firms. She is presently seeking employment in the Portland area.





## New Family Medical Leave Act Addressed at Fall CLE

Employees who suddenly find themselves as the primary caregivers for an elderly parent, a disabled spouse, or a seriously ill child now have statutory protection to take needed time off from work without losing their jobs. During its 1991 session the Oregon Legislature enacted the Family Medical Leave Act (see ORS 659.560 et seq.), which provides that employers of 50 or more persons must permit employees to take leave for up to 12 weeks within a two-year period to care for any family members who suffer from serious health conditions.

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Post Office Box 14130  
Portland, Oregon 97214

**(503) 231-9831**

On Wednesday October 28 from 4:00 to 6:00 p.m., Oregon Women Lawyers, in co-sponsorship with The Oregon State Bar Committee on Combining Family and Career and Tri-County Affirmative Action, will offer a CLE program designed to explain the scope and effect of the Act, as interpreted by the soon-to-be-adopted rules of the Bureau of Labor and Industries. Topics include the ways in which the Act interrelates with other laws governing parental leave and pregnancy disability leave, compliance strategies for employers, and advice for employees, including negotiation pointers for those not covered by the Act.

The program will take place at the Northwest Natural Gas Auditorium, 220 NW Second Avenue, Portland. It is anticipated that the program will be approved for 2.5 hours of general Oregon State Bar CLE credit. Cost is \$20 for members of Oregon Women Lawyers and/or Tri-County Affirmative Action, \$30 for nonmembers, and \$10 for students or those whose incomes are less than \$10,000 per year. To register, send your name, address, and telephone number with the appropriate registration fee to Oregon Women Lawyers, P.O. Box 40393, Portland, OR 97240. For more information, telephone Diane Rynerson at 775-9021.

## Coalition Works To Provide Representation for Victims of Abuse

All too often an abused person who has taken out a temporary restraining order (TRO) under the Family Abuse Prevention Act pro se must appear unrepresented at the subsequent hearing in order to keep the protective order in effect. This situation can result in important and inequitable decisions about visitation and custody and can leave the victim with the feeling that the abuse is continuing—this time sanctioned by the system that should have afforded protection.

The Family Violence Intervention Steering Committee, a broad coalition of concerned government and social agencies, meeting under the auspices of Portland City Commissioner Gretchen Kafoury's office, has identified the lack of legal representation in the area of TROs as a significant problem. Currently members of Oregon Women Lawyers

and the Multnomah Bar Association's Volunteer Lawyers Project and Young Lawyers Section are meeting to attempt to design a program that would train volunteer lawyers to represent abuse victims in hearings. If you are interested in helping to get such a program off the ground, please call Diane Rynerson, 775-9021.

## MENTOR UPDATE

As the school year ends, we offer special thanks to the local facilitators in each law school for their continued efforts to make the OWLS Mentor Program such a success. News of note includes the following items:

■ Summer is here and many of the students in the OWLS Mentor Program have graduated and are diligently studying for the Bar exam. We offer them all our congratulations and best wishes for satisfying careers. We also ask all mentors to consider an Oregon Women Lawyers membership as a gift for their protégés at a student rate of \$15.00, and we ask that mentors keep up monthly contact with their graduating students this summer.

■ Mentors will be receiving a survey during the summer and will be assigned to new students during the first week of the new school year.

■ We ask all OWLS members to mark their calendars for Tuesday, September 8, when Queen's Bench sponsors a luncheon meeting to kick off the coming year's Mentor Program in the greater Portland area.

■ We are trying to arrange a reception for U.S. Supreme Court Justice Sandra Day O'Connor during her September 10 visit to Salem for the rededication of the Willamette University College of Law.

■ In the spring issue of the *Willamette Lawyer*, special note was made of Oregon Women Lawyers' Mentor Program and its 75 Salem lawyers working with students through the Marion County Bar.

OWLS is very proud of the Mentor Program and appreciates the dedication of all the attorneys and students who participate in it. Anyone interested in joining should contact Kathryn Ricciardelli at 291-5225. The experience is very rewarding!



## COMING EVENTS

■ **NCWBA Annual Meeting**, Friday, August 7 through Monday, August 10, San Francisco—Contact Diane Rynerson, 775-9021.

■ **Oregon Women Lawyers Annual Meeting and Bar Breakfast**, Friday, September 25, Seaside—Contact Diane Rynerson, 775-9021.

■ **OWLS Fall Board Retreat** (Members welcome), Saturday, October 17, Silver Falls State Park—Contact Diane Rynerson, 775-9021.

■ **Working Parents Forum: Family Medical Leave Act**, Wednesday, October 28, 4:00 to 6:00 p.m., Northwest Natural Gas Auditorium, Portland—Contact Diane Rynerson, 775-9021.



## Pats & Pans

Kudos to the **National Institute of Trial Advocacy** and the editors of its magazine, *The Docket*. A Spring, 1992 issue of *The Docket* is a celebration of the accomplishments of women in the legal profession, honoring prominent women litigators, women rainmakers, and The Honorable Ann C. Williams, an African American who has been presiding judge for the U.S. District Court for the Northern District of Illinois since 1985.

Since its inception in 1972, NITA has provided scholarships to promote a diversity of participants in its various excellent continuing legal education programs. In the Pacific Northwest, these programs are held at the University of Washington School of Law. For programs and scholarship information, call 1-800-225-6482. Contributions to the NITA Advocates Association, which provides scholarship dollars for NITA programs, can also be made through the same number.

## Judge Rosenblum Seeks a Third ABA Term

The Honorable Ellen Rosenblum is running for a third term as a delegate to the ABA's House of Delegates. Here's what she says about her candidacy:

"I would be honored to serve a third term as one of the Bar elected delegates. The ABA is no exception to the rule that experience counts for a lot. I think I can be particularly effective in representing the OSB, having accrued some seniority and, with it, understanding of the institution and its procedures.

On the other hand, I am announcing now that, if re-elected, this will be my last term as a Bar elected delegate. In two years I hope to run for Oregon State Delegate position which will be open for the first time in nine years. Eligible voters are the ABA members in the state. The State Delegate heads the delegation and is the only member of the delegation permitted to vote for ABA officers.

Oregon has never had a woman State Delegate; only two states—Alaska and California—do! The ABA has not yet had a woman president although several women are running hard for 1994."

Judge Rosenblum sits on the Multnomah County District Court.



## 1992 Oregon Women Lawyers Membership Application & Renewal

NAME \_\_\_\_\_

FIRM/ORGANIZATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

### CHECK ONE

- ☐ \$45... Regular members (law school graduates) \_\_\_\_\_ New \_\_\_\_\_ Renewal  
☐ \$15... Law students  
☐ \$25... Out-of-state lawyers, non-lawyers, and those with incomes under \$10,000

☐ Yes, I would like a \$10 rebate to go to my local chapter.

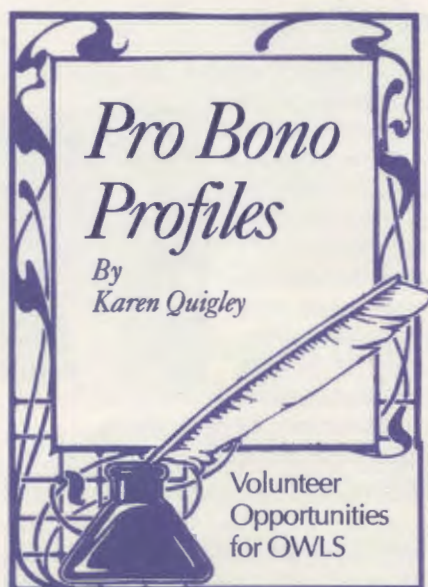
If yes, please check the name of your group:

- ☐ Lane County Women Lawyers ☐ Queen's Bench (Portland)  
☐ Mary Leonard Law Society (Salem) ☐ Rogue Women Lawyers  
☐ Mid-Columbia Women's Bar Association

PRACTICE AREAS: \_\_\_\_\_

MAIL TO:  
OREGON WOMEN LAWYERS  
P.O. Box 40393, Portland, Oregon 97240





*Organization:*  
**SENIOR LAW PROJECT**

*Address:*  
900 Board of Trade Building  
310 SW Fourth, Portland 97204

*Contact:*  
Anne Stacey, Coordinator; 224-4086

*Funding:*  
Multnomah County Legal Aid; \$50,000 from the Area Aging Services Division (which is related to the Older American Act and therefore has no means test)

*Clients Served:*  
All seniors in Multnomah County

*Number of Volunteers:*  
Around 120. Fifteen are still original volunteers from the founding of the Senior Law Project in 1978. A majority of the volunteers are solo practitioners and individuals working in firms with fewer than 7 attorneys (who may have more flexibility in arranging to be available for a 3-hour morning or afternoon session once every 3 months). The project would appreciate the volunteer services of those who could do secretarial work or act as legal assistants to volunteer attorneys.

*Insurance:*  
Available for lawyers dealing with all legal aid income-eligible seniors.

*Support:*  
Training, CLEs, and mentors know-

ledgeable in all issues concerning elder law. Discussions offered once a month.

*Service:*

Ten locations, usually senior centers, are served on a regular basis for a scheduled 3-hour period. Senior Centers were selected because of the other social agencies and services that are available there. The location allows the lawyer to talk with a social worker, if that is necessary, or to say to a client that he or she should speak to the nurse or the social worker at the center. Moreover, the centers are convenient and familiar to seniors, who are less likely to be intimidated by lawyers in that setting.

On Thursday morning, centers in St. John's and Hollywood are staffed; on Wednesdays, the Hawthorne area is served, and on other days other sites throughout the county are scheduled. Between 28 and 30 lawyers are needed every month. A lawyer is called only once every 3 months for a total of 12 hours a year. If the lawyer is unavailable to meet at one of the senior centers, a home visit is arranged in a nursing home or with a senior who is hospitalized or otherwise unable to be at the clinic site.

The majority of the clients are widowed females, 33 percent of whom live below the poverty level (\$600 a

month). For many, the sole source of income is widow benefits from veteran pensions, which may amount to \$350-\$400 a month. Anne Stacey describes one such client's incredible gratitude for a volunteer's successful effort to get her a rent refund.

Other types of issues include simple wills, living wills, government planning, and trusts. Sometimes the legal matter is located in another state. Recently, one case involved a matter in Des Moines, another in Miami. The Senior Law Project receives referrals for a variety of legal issues regarding seniors from social service agencies, family members, ombudsmen, sometimes even a PGE employee who might have learned something in the process of reading the meter at a senior's home.

One interesting aspect of the Senior Law Project is its constant need to find volunteers who speak Russian, Spanish, or French (for Vietnamese clients). Even if you don't have foreign language skills, the Senior Law Project will welcome you as a volunteer and provide a translator to deal with a client who doesn't speak English. The Project is now working on a grant proposal to translate a "Handbook for Nursing Home Residents: Know Your Rights" into eight foreign languages!



OWLS members Corky Lai (left) and The Hon. Mercedes Deiz (right) have been appointed to Justice Edwin Peterson's Racial Bias Task Force. They are shown here at the OWLS 1992 Spring Dinner with Professor Janet Stevenson-Wright of the Northwestern School of Law of Lewis and Clark College.



## Around Oregon

■ **Central Oregon Women Lawyers** holds informal lunch meetings in Bend the second Friday of the month. Call Marge Garrow (382-3736).

■ **Corvallis Women Lawyers** meets each Thursday noon at various area restaurants. Gretchen Morris reports that there are now six women lawyers in private practice in Corvallis, twice as many as a year ago. Gretchen and Kathryn Wood have been in practice there for several years, while new women lawyers include Mary Marshall (formerly of Eugene), Jeanne Smith (formerly of Philadelphia), Susan Lax (formerly of New Jersey), and Judy Boomhower (a new graduate). Other women lawyers working full time in Corvallis are Caroline Kerl, legal advisor to OSU; Audrey Bach, legal advisor to OSU students; and five deputy district attorneys. For more information, call Gretchen Morris (754-1411).

■ In **Klamath Falls** an informal group of women lawyers meets occasionally for lunch. Call Karla Knieps (884-7728).

■ **Lane County Women Lawyers Association** holds lunch meetings each month at area restaurants and has a mentoring program for law students at the University of Oregon. Call Marjorie Schmechel (683-9150).

■ **The Lincoln County Recipe Club** meets alternate Tuesdays at 5:30 p.m. at the Newport Hotel to discuss "recipes" for social change and personal/professional growth. Call Bernice Barnett in the district attorney's office.

■ **The Mary Leonard Law Society in Salem** meets at noon the second Wednesday of each month at the Willamette University Center's Dining Room #1 and sponsors a mentoring program for Willamette University law students. Call Bonni Canary (378-4620).

■ **The Mid-Columbia Women's Bar** meets informally on the third Wednesday of each month. Call Claudia Burke (386-1311).

■ Women lawyers in **Douglas County** have formed a new chapter called the **Myra Bradwell Forum** (see related story). For information about meeting

times and places, call Diana Wales (673-0696).

■ **The Multnomah County Bar Association Committee on the Status of Women and Minorities** meets monthly. Call Janice Krem, Chair (239-8470).

■ **OTLA Women's Caucus** has been meeting in Portland on the second Friday of each month since October 1991. For more information, call 226-3232.

■ **Queen's Bench in Portland** meets at 11:45 a.m. the second Tuesday of the month at the Hilton International Club and holds business meetings on the fourth Thursday at 11:45 a.m. in the Standard Plaza Cafeteria, Room B. Upcoming meetings are scheduled for August 11 (social meeting), September 8 (kickoff for the OWLS Mentor Program), and October 13 (featuring Jewel Lansing, speaking on "Women and Politics"). No reservations are required. For information, call Nancy Moriarty (221-1440).

■ **Queen's Bench Social Focus Group** meets at noon on the last Wednesday of the month at Tonkon, Torp for lunch, networking, and career-related discussions. Call Diane Rynerson (775-9021).

■ **Rogue Women Lawyers** meets for lunch monthly at Digger O'Dells restaurant in Medford. Call Colette Boehmer (779-7552).

■ A new group is being formed in **Pendleton**. On June 24 OWLS members met for lunch at Raphael's Restaurant as their first formal step toward organizing an eastern Oregon chapter. Among those present at the gathering was OWLS President Agnes Sowle. For more information about OWLS activities in eastern Oregon, call Patricia Sullivan (276-3331).

■ And across the river, **Clark County Women Lawyers** meets for lunch at Hidden House in Vancouver. Call Liz Perry (206-696-3312).

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## Welcome, New Members

Kathryn L. Alvey  
Lucinda Rush Alvis  
Darquise Cloutier  
Julianne Ross Davis  
Carie Fox  
Lisa M. Freiley  
Katie Gaetjens  
Stacy J. Hankin  
Nancy Helget  
Heather L. Karabeika  
Linda J. Larkin  
Carol Vogt Lavine  
Lisa LeSage  
Suanne Elise Lovendahl  
Rita J. Lucas  
Teri Marshall  
Maureen J. Michael  
Lane R. Mueller

Lynn R. Nakamoto  
Beth A. Pardo  
Karen J. Park  
Paula Pyron  
Karen Quigley  
Tracy Reeve  
Linda Scher  
Karen R. Schoenfeld  
Robin J. Selig  
Elaine D. Smith  
Jeanne A. Smith  
Karen Thompson  
Linda J. Toner  
Diana Wales  
Mona K. Williams  
Lauren Elizabeth Winters  
Valerie Wright

## On the Move

**Marcia Ohlemiller** was sworn into the bar of the U.S. Supreme Court on Feb. 24. Her candidacy was sponsored by Sen. Bob Packwood, whose motion to the court was granted by Chief Justice William Rehnquist. Ohlemiller, a resident of Arlington, Va., is the assistant to Sen. Packwood for Judiciary and Labor committee issues.

**Doreen Stamm Margolin**, a partner in the Portland firm of Margolin & Margolin, recently was elected president of the Portland Community College Foundation's board of directors. Margolin has been a trustee of the foundation since 1987.

**Margaretta Eakin**, a Portland attorney, has been elected chair of the University of Oregon School of Law's Board of Visitors.

## CLASSIFIEDS

**BAR COMPLAINT?** Call Susan D. Isaacs, former disciplinary counsel for the Oregon State Bar, for advice (641-9000).

**CLASSIC OFFICES.** Historic building near courthouse. Receptionist, conference rooms, word processing, fax, 9:00 a.m. - 5:00 p.m. Executive Suites, 700 SW Taylor, 228-7191.

**CONTRACT ATTORNEY REFERRAL SERVICE.** This free program seeks to match Oregon Women Lawyers members with attorneys who need part-time or temporary legal help. Contact Sarah Rosenberg, 297-9448.

**Are You Staying Home Full or Part Time With Young Children?** Would you like to meet other OWLS members and their children? If you are interested in an Oregon Women Lawyers Play Group, please call Diane Rynerson, 775-9021.

*Classified Rates: \$25 per insertion of 25 words or less; \$0.75 for each additional word.*

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