

Oregon BENCHMARKS



THE U.S. DISTRICT COURT OF OREGON HISTORICAL SOCIETY NEWSLETTER

Norman J. Wiener

Law Firm Leader Receives Lifetime Service Award

By Adair Law

The United States District Court Historical Society is proud to announce that Norman J. Wiener is the recipient of the 2007 Lifetime Service Award. Wiener was the subject of an oral history conducted by James Westwood in 1989 (housed at the Oregon Historical Society) and an earlier Benchmarks article in Spring 1999 (<http://www.usdchs.org/files/newsletters/Benchmarks-1999%20spring.pdf>)



Norman Joseph Wiener was born in 1919 in the St. Johns area of Portland on September 10, 1919, the first American-born son for his parents. His German-speaking Catholic parents immigrated to the United States in 1905, from an area that is now known as Romania. His father worked at manual labor all his life and his mother was an extremely capable manager of the family home with an unusual amount of common sense. He had an older brother and sister, Stephen and Betty. Betty graduated from Roosevelt High School in 1924 and "she was the first of my family to really mingle to any extent with people other than German immigrants. She was attractive, she had many beaux and she took an extreme interest in my development. In fact, I credit her with instilling in me a desire to obtain an education and eventually to become a lawyer."

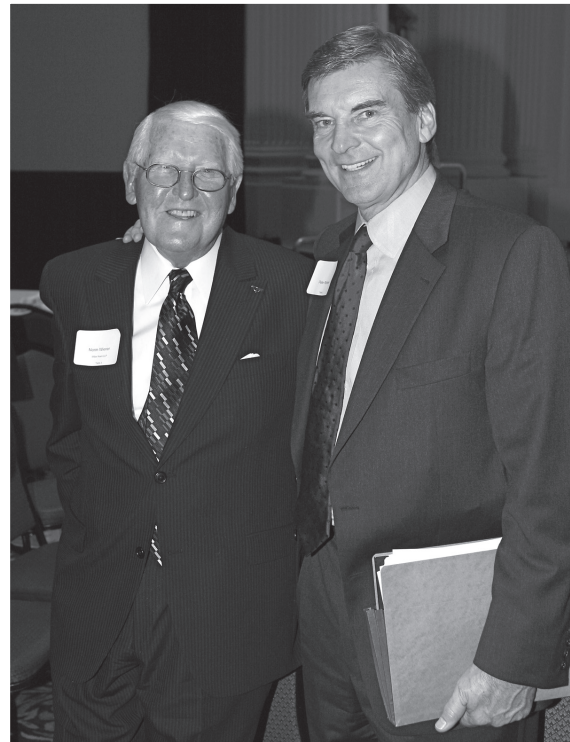
Wiener's youth included public school rather than the Catholic school his siblings attended, a variety of after-school jobs, and some memorable events, including watching Charles Lindbergh land the Spirit of St. Louis in 1927, months after he made his trans-Atlantic flight, at the opening of Portland's Swan Island Airport. When he was older, he got a job at the Collins Concrete Plant in Portland's Albina neighborhood. That summer there was a major strike that affected transportation. He was asked to serve as a lookout on a truck being loaded with a concrete girder for installation at Bonneville Dam. He and the driver arrived at work at 4 a.m. the next day, both of

them worried because there had been violence in the community. They proceeded out of Albina with no lights, eventually making their way to the Columbia River Highway, "and by daylight we delivered that girder without incident to the contractor building the Bonneville Dam."

Although he was a child of the Depression, he didn't recall being terribly affected by it. "From where I sat and lived, it was an event that was applicable to everybody....Nearly everybody I knew put cardboard in their shoes when they got holes in them; everybody wore hand-down clothes; no one spent money on luxuries, except perhaps for kids, penny candy."

Wiener was able to take advantage of what his

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Norman Wiener and Peter Richter at the USDCHS annual dinner.

President's Message



Winter will be upon us soon. The Historical Society's outwardly-visible activities are quickly coming to an end for 2007. That doesn't mean our board members are taking a break, however, although they deserve one. Our Events Committee (lead by **Kari Furnanz** of Hoffman Hart & Wagner and **Jenifer Johnston** of the City Attorneys' Office) spearheaded several stellar performances this year. This includes our social event in June for all of the summer clerks in town; the annual summer picnic in August, which was once again graciously hosted by Judge Leavy's family at their hop farm; and of course our year-end dinner meeting in

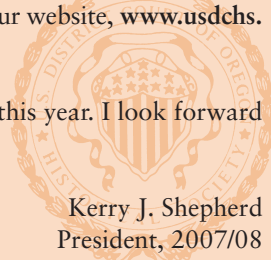
October at the Governor Hotel, which featured **Norman J. Wiener** accepting our Lifetime Service Award and the **Honorable Betty Roberts** as the keynote speaker. Planning for these repeat events is already underway for 2008! We can only hope for equal or better programs next year, but 2007 will be difficult to surpass.

Social events are not the primary focus on the Historical Society, although it sometimes seems so on the surface. The Oral History committee has always been our main focus, and we owe a debt of gratitude to **Steve Brischetto** and **Donna Sinclair** for organizing our continuing efforts to record oral histories of special players in our legal community. You saw just a small part of this program with the video production about Norman Wiener's life and accomplishments, which was displayed for the audience during our annual dinner meeting on October 30. We will continue this program as long as funding exists to record histories of judges, lawyers and in some cases court staff and lay persons who have played significant roles not just in the Tri-County Area, but southward to Salem, Eugene, and beyond, and moving west and east as well. To that end, many more candidates have been identified and contacted for oral histories, and training programs for volunteers to assist us with this labor-intensive process have been extremely successful.

Next up for our Famous Cases program is a review of the Casey Martin case, which was tried to Magistrate Judge Thomas Coffin. Naturally, this program will be presented at the United States District Courthouse in Eugene. We are shooting for late January, and we are hoping for a large turnout from Eugene as well as our Portland-area members. Please check our website, www.usdchs.org for the actual date.

It's been a pleasure serving the Historical Society this year. I look forward to another successful year in 2008.

Kerry J. Shepherd
President, 2007/08



Upcoming Famous Case

In January 2008, The District Court Historical Society will offer a Famous Cases presentation in Eugene. We'll examine the 2001 Supreme Court case *PGA v. Martin*, also known as the Casey Martin case. Check our website www.usdchs.org for more details.

Judge Polly Higdon

With deep sympathies and sadness we note the death of retired Bankruptcy Judge Polly S. Higdon of the District of Oregon. Judge Higdon, who had been battling a month-old diagnosis of liver cancer, died at her home in Portland surrounded by family on October 13. She was 65.



Polly Susanne Higdon was born in Kansas on May 1, 1942. She attended Vassar College and after graduating in 1964, she joined the Peace Corps and served in East Africa. In Kenya, she met and married John Wilhardt, a Danish expatriate and gave birth to her only child, Liesl Wilhardt.

After returning to the United States, Higdon earned a law degree and graduated first in her class from Washburn University of Topeka, Kansas. She went on to receive an advanced degree from New York University in tax and estate planning law. In 1980 she accepted a position with a Eugene law firm and the family moved to Oregon. Not long after arriving in Oregon, Higdon applied for and was chosen to fill an open judicial position in the Eugene federal bankruptcy Court. Judge Higdon was appointed May 16, 1983, as a part-time judge for the U.S. Bankruptcy Court in Eugene. She was appointed as a full-time judge on December 1, 1983, and served in Eugene until January 1995, when she moved her chambers to Portland. She was elevated to chief bankruptcy judge of the district on September 1, 1997, and served in that capacity until December 2, 1999, when she retired. She was the first woman in Oregon to serve as a U.S. bankruptcy judge and also the first woman chief of any federal court in Oregon.

While on the bench, Judge Higdon was very involved in bar activities. She regularly contributed to legal education programs and publications, oversaw a

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A Memorable Evening: the 2007 Annual Meeting

By Heather Van Meter

Norman J. Wiener was honored with the 2007 U.S. District Court of Oregon Historical Society's Lifetime Service Award at the organization's annual dinner on October 30. The Governor Hotel ballroom provided a beautiful setting for the federal and state court judges and other honored guests. Historical Society President Kerry Shepherd (who will continue as president for the next year) guided members and guests through a memorable evening. A presentation of photos, sound and moving film on Wiener's accomplishments was organized by Michael O'Rourke. Peter Richter, a partner in the Miller Nash firm spoke of what it was like to work with the honored guest. Wiener regaled the attendees with stories of the "old days" when the federal court judges had to ask lawyers from the various firms in Portland to help pay for items such as new courthouse windows and judicial portraits. Wiener jokingly gave this as one reason the Historical Society was started, to raise funds for judicial portraits. On a more serious note, he encouraged the organization to welcome more non-lawyers into the organization so that it does not become "just another lawyer's group." As a founding board member and past president, Wiener's words carried great weight.

Judge Elizabeth Perris gave a heartfelt remembrance of Judge Polly Higdon, who passed recently after a long illness. Judge Higdon was the first female bankruptcy judge in Oregon, and one of the first female judges in Oregon. After leaving the bench, she became a master gardener and cared for many animals, and left us all with the example that you must do that which makes you content.

Justice Betty Roberts gave the keynote address, "the living history of women in the law." Roberts discussed the progress women have made in the law, noting that now 50 percent of Multnomah County Circuit Court judges are women. Roberts also noted that the history of women in the law is happening today, because more progress is occurring more often



Among our dinner guests were (from left to right): Judge Susan Graber, Judge Ann Aiken, Judge Anna Brown, Justice Betty Roberts, 2005 Lifetime Service Award Winner Katherine O'Neil, and former Secretary of State Norma Paulus.



Night of the Smiling Judges: left to right, Judge Garr King, Judge Diarmuid O'Scannlain, Judge Edward Leavy, and Judge Elizabeth Perris.

now than at any time in Oregon's legal history. She quoted a book she recently read that analogized it to nuclear weapons, "when critical mass is reached, the process becomes self-sustaining," and "the environment in which the boom takes place is perhaps more important than the critical mass." Roberts said that women lawyers have reached "critical mass" now for the first time in Oregon's history. However, the "environment" is not yet ideal. Women (and men) are too often forced to choose between raising a family or becoming a law firm partner. She expressed optimism that the stereotypes of women in the law are ending, and the barriers to women practicing

law are also falling down. It is only a matter of time before there are no longer barriers to women reaching the top judicial and political positions such as chief justice or attorney general.

Thanks to **Kari Furnanz, Jenifer Johnston, David Landrum, and Shannon Vincent** for organizing a wonderful annual meeting.

And thanks to **Owen Schmitt** (right) for his fine photos of our event.



Norman Wiener continued from page 1

school and community had to offer. He learned to play tennis through the Parks Bureau and developed a love for the game. He was an excellent student, occasionally spouting Latin orations to the irritation of his friends. He was active on the tennis team and in school plays. It was in a grammar school play that he first came across the idea of becoming a lawyer. He wasn't entirely sure what a lawyer was, but when he was asked what he wanted to be, "a lawyer" was his response. He was valedictorian and graduated in 1936 at the age of 16.

College and the War

Because he was able to get a scholarship that paid for \$66 of the \$99 tuition, he attended Oregon State College for his first year, knowing that he would transfer to the University of Oregon for his sophomore year. At the end of his junior year in 1939 he decided to stay out for a year to earn some money for law school. He applied to Timberline Lodge (completed in 1937) for a job as a guide. He got the job in July, and in the fall Timberline opened one of the earliest ski lifts in the West. It was called the Magic Mile Lift and Wiener was one of the first crew to operate it. He worked as a cashier and stayed at Timberline until fall 1940 when he started law school.

When he entered law school, Wayne Morse was the dean and Kenneth J. O'Connell and Orlando Hollis were important professors. Wiener was a good student, and although not a loner by nature, he preferred to study by himself. The fall of 1940 was significant for many young men because every man



From left: Tom Tongue, Norm Wiener, Manley Strayer, and Walter Evans.



Norman Wiener and unidentified gentleman at 1969 unveiling for Rehabilitation Institute of Oregon.

of a certain age had to register for the draft. Wiener recalled that after registration "the chant on the campus was, 'Yesterday we were men, today we are but numbers.'" That same fall, he met a beautiful woman from Portland named Mary Bentley. "I fell in love with her and pursued her diligently through the year 1940 and 1941." He received his draft notice in February 1942 and deferred entry until the end of the school year. On June 22, 1942, he was sworn in as a draftee and was later assigned to a work battalion at Camp Adair, near Corvallis. Through a string of fortuitous circumstances, within a few months he was a sergeant and working in the Army Counter-Intelligence Corps, which he described as an FBI for the Army. Some of his coworkers worked for the CIA precursor Office of Strategic Services while others worked on the Manhattan Project. Wiener was posted to Los Angeles throughout his service. He married Mary Bentley in January 1945 and with the birth of their daughter Jane, they started their family, joined in later years by Jon and Lisa. Within a few days of his September 1946 discharge from the army, he was back in law school.

In June 1947, Wiener graduated second in his University of Oregon class with an LLB and a JD. He began studying immediately for the bar exam, which was in early July. The Wiener trio was living with his wife's family in Portland, and as soon as he completed the bar exam, he turned his attention to finding work. Through the father of a law school friend, he made a contact with Ralph King, a principal of the

King and Wood law firm. Ralph King was a storied lawyer of his day and when Wiener came in he already knew a fair amount about the young man. King offered him \$200 a month, \$250 when he passed the bar. Wiener was the seventh lawyer in the office.

Wiener came into his work with book knowledge but he knew little about lawyers or lawyering. Blanche Timmerman or Miss Timmerman, as Wiener referred to her, was the head secretary of the firm and she'd been with them since 1929. "I soon found out-and Miss Timmerman was certainly one of the reasons-that this was a firm of substance quality, hard work, and dedication." Miss Timmerman expected her protégés to be professionals and she required that any work that went out of the office to be as perfect as she could make it. Wiener recalled "Miss Timmerman coached the young lawyers, 'Say what you mean, get to the point. Select the right word. Don't confuse your sentences with lengthy phrases. Spelling always perfect. Punctuation always perfect. Respond to letters when you receive them. Don't procrastinate.'" Wiener never forgot the fundamentals Miss Timmerman drummed into him as a young lawyer.

Work Life

Wiener's early work with the firm included research contracts and collections. The firm handled a range of work. Ralph King was busy with the reorganization of Portland General Electric. Frank Nash was getting back into the insurance defense field, and Bob Miller was involved with various forest products companies, especially C.D. Johnson Lumber Company in Toledo, Oregon. A great deal of his early work was with Bob Miller.



Norman Wiener, Senator Bob Packwood and Eleanor Tice Mackinnon in 1978.

Just as he was finding his stride in the firm, he was called back into the service for the Korean War. He reported for duty at Fort Hollabird, Maryland on January 6, 1951 after renting out the Portland home and moving the family to Maryland. He continued his work in counterintelligence and was assigned stateside the full time. He received an award for outstanding service achievement to the Military during the Korean War. He returned to Portland in April 1952.

While he was away in Maryland, Georgia-Pacific had acquired one of the firm's clients, the C.D. Johnson Lumber Company. Prior to his return, Georgia Pacific "Had started an acquisition program and a reorganization of its own operation away from basically a wholesale operation to a timber growing and manufacturing firm." Bob Miller became close to Georgia-Pacific founder Owen Cheatham and he continued on as lead counsel. When Wiener returned, he was working almost exclusively under Bob Miller and became a partner in the firm on November 1, 1952. For the next 20 years, his principle area of work was in the forest products industry. One of his most memorable cases, *United States v. Georgia Pacific Corporation* resulted in a verdict that under some circumstances, the federal government can be estopped by its actions. In this instance, the Congress had set the boundaries of the Siskiyou National Forest in 1935 and President Eisenhower later tried to reverse the decision by issuing an order that was detrimental to Wiener's client. Another memorable case was *Moore Mill Company v. Foster*. Wiener represented Moore Mill and Lumber Company in a condemnation proceeding, Thomas Tongue (later a justice on the Oregon Supreme Court) was on the opposing side and then Curry County Judge Robert Belloni heard the case. With Wiener, Tongue, and Belloni, newspapers couldn't help but refer to it as a meaty case, some even going so far as to call it the Lunchmeat Trial.

Life beyond Work

Over the years, Wiener had the gift of marshalling his time, talent and intelligence for the benefit of various organizations. In 1964, his daughter



Norman Wiener as Pro Tem Judge swearing in daughter Jane Wiener.

Jane was involved in a car accident that left her a quadriplegic. At the time, Richard (Dick) Kohnstamm, the operator of Timberline Lodge was a client. Jane spent the winter of 1965 giving out Timberline's snow conditions by telephone. In an interview with the *Oregonian*, Wiener recalled that it had been an important part of her recuperation. "No one knew that the snow bunny on the phone was actually a quadriplegic lying in bed," Wiener said. "It turned out to be very important to Jane because it gave her a meaning in life when she thought she was useless." Jane Wiener went on to become the nation's first female quadriplegic law school graduate (from Lewis & Clark College's Northwestern School of Law) and she worked the next 21 years as a Multnomah County deputy district attorney, specializing in cases of child abuse. She passed away in 1994. The Jane L. Wiener Memorial Scholarship at Northwester School of Law was established in her honor.

Wiener has been a long-time member of the Arlington Club. He served as its president and has had an important role in preserving its history. He was the second president of the USDCHS. He also served as board president for the United Way and the Portland Gold Club. The Stormin' Norman ski run at Timberline Lodge was named in his honor. The USDCHS is very pleased to honor his lifetime of service.



New Magistrate Judge Selected

John Acosta was recently selected as Oregon's newest magistrate judge. He will fill Judge Donald Ashmanskas' position when Judge Ashmanskas goes on senior status at the end of January 2008.

Acosta is senior deputy general counsel with the Tri-County Metropolitan Transportation District of Oregon ("TriMet") in Portland. Prior to his work with TriMet, he was a partner with Stoel Rives LLP, where he practiced employment law, representing employers in the areas of employment litigation and counseling. He is admitted to practice in Oregon and Washington, the United States District Court for Oregon, and the United States Court of Appeals for the Ninth Circuit. He is a member of the Oregon State Bar's Professionalism Commission. He also serves on the board of directors of Morrison Child and Family Services. Acosta has taught practice and procedure courses as an adjunct professor at the University of Oregon law school since 2001.

Polly Higdon continued

successful effort to record some of the history of the Oregon bankruptcy court, and was a regular speaker at meetings of the court's debtor-creditor pro bono program.

Judge Higdon was diagnosed with multiple sclerosis in 1995 yet she didn't allow the disease to hold her back. Her volunteer work with CASA (Court Appointed Special Advocates) for children in foster care and as a board member with Luv-a-Bull Pit Bull Rescue indicate she gave her time, talent, and intellect to those who lacked ready advocates. She was active member of First Unitarian Church in Portland and she became a master gardener. Judge Higdon is survived by her mother, one brother and her daughter, Liesl.

Judge Robert Belloni: Entranced by the Complexities of the Law

By Heather Van Meter

This article was developed from an oral history conducted by Jim Strassmaier with Judge Robert C. Belloni in 1988. It is housed at the Oregon Historical Society on behalf of the U.S. District Court of Oregon Historical Society.

Judge Robert C. Belloni was born on April 4, 1919 in Riverton, Oregon on the banks of the Coquille River between Coquille and Bandon. His Swiss forbears settled in California, and Belloni's grandparents bought a ranch in Southern Oregon, where their 12 children each had different sphere of responsibility. Judge Belloni's father left the ranch to work for a transport company in Myrtle Point. He married a school teacher and had five children. Belloni's father was a hard worker, well respected in Myrtle Point and very involved with the Chamber of Commerce and the Lions Club. When he passed away in 1942, all businesses in town closed to honor him.

YOUTH AND THE WAR

Belloni's father always felt his lack of education, and when his middle son Bob showed early academic promise, those pursuits were encouraged. He participated in basketball, football, track and field at Myrtle Point High School. He attended the University of Oregon between 1937 and 1941, studying pre-med. He was the first in his family to graduate from college.

With the outbreak of war, Belloni joined the army, working in the medical department. He attended officer candidate school then was posted to the South Pacific. He commanded 190 enlisted men at the field hospital. He came to dislike the gore of medicine, so after the war he used the GI Bill to go to law school. He loved studying law and he worked a variety of jobs to support himself. He graduated from the University of Oregon law school in 1951.

LEGAL CAREER

Belloni returned to Myrtle Point to practice law, and he became interested in politics. Belloni was elected first to the town council and was later elected mayor. He was also chairman of the Democratic Central Committee for Coos County and became friends with Senator Wayne Morse, as well as future Senator Dick Neuberger

and Governor Bob Holmes. Belloni also had opportunities to meet John F. Kennedy and Martin Luther King, Jr.

PATH TO THE BENCH

Belloni was in private practice for five years when Governor Bob Holmes appointed him to the circuit court of Coos/Curry Counties at age 37 in 1956. Younger, more energetic judges were needed to keep up with the growing criminal and civil case load. After 1963, when the Supreme Court unanimously ruled in *Gideon v. Wainwright* that state courts were required to provide lawyers in criminal cases for defendants unable to afford their own attorneys, the number of criminal trials increased rapidly. Previously, many criminals would plead guilty simply because they could not afford to pay an attorney to represent them and could not find an attorney to take their case pro bono. Judge Belloni also took on the probate and juvenile dockets when these functions were transferred from the county commissioners to the circuit court. He took to the juvenile docket with fervor, championing the creation of more alternatives for troubled youth. His successor, Judge James Norman, created a local ranch, which he named the Robert C. Belloni Boys' Forest Ranch. Belloni also helped write the first juvenile code and started the Oregon Juvenile Judges Association.

Judge Belloni's mother had always strongly encouraged his legal career. While he was a circuit judge for Coos and Curry Counties, his mother read that Judge William East was retiring from the federal district court and told her son to apply for the position. Belloni was appointed to the United States District Court in 1967 with key support from Senator Wayne Morse. His name was one of several submitted for a bar poll for the district court position. Belloni was fourth out of 14. However, Senator Morse took an interest in Belloni and decided he was the one for the job. Belloni noted that several excellent candidates were considered, including Otto Frohnmayer, Ed Allen, Alan Hart, Jack Beatty (Senator Maureen Neuberger's choice), among others. Yet Belloni was an early front runner. Senator Neuberger took over her husband Dick's seat when he died of cancer during his term. She

also continued a long-standing Neuberger/Morse feud. Senator Morse waited until her term expired to push Belloni's appointment through.

Belloni's name was submitted and the Johnson White House submitted it to the Senate. Belloni had heard stories about Judge Solomon being questioned for two to three days, with people raising questions about his ACLU membership and calling the ACLU a communist organization. He was understandably nervous about the Senate confirmation process. But Senator Sam Ervin of North Carolina (later of the Watergate hearings) was the entire committee reviewing Belloni. Senator Ervin noted that he wished such highly qualified judicial candidates were always presented to him. The whole process went quickly and smoothly. The Senate vote on Belloni was scheduled for April 5. Senator Morse went to the Senate floor on April 4, made multiple procedural motions and got the votes to move Belloni's confirmation vote to April 4. Judge Belloni was confirmed on his birthday, which was also his mother's birthday.

Judge Belloni believed he may have been Senator Morse's choice because the district court had people from Portland and Eastern Oregon, a Jew and a Catholic (Judge Gus Solomon and Judge John Kilkenny), and a Protestant from Southern Oregon could round that out. Belloni also had experience as a judge and a judicial administrator.

FEDERAL COURT LIFE

Belloni came onto the bench at a time when Judge East was ailing and unable to work much due to a long struggle with alcoholism that he would overcome much later in his life. Judges Kilkenny and Solomon had an extremely heavy case load and were happy to have Belloni join them to help clear up some of the docket backlog. One of Belloni's early cases was *United States v. Golden Rule Realty*, a major land fraud case involving 24 defendants and a 75-page indictment, the longest indictment Belloni had ever seen.

Belloni remembered that while Judge Solomon (who later became a close friend) had a great heart, he also had a great intolerance for mediocrity. Lawyers appearing before Judge Solomon would

not do well if they were not fully versed on the law and facts of their case. The judges often shared their draft opinions, and Judge Solomon occasionally let the newer judges (Belloni, Otto Skopil or Alfred Goodwin) know when he did not think the opinions were written well, even marking up the draft with changes. According to Belloni, this was appreciated and there were no hurt feelings. Judge Skopil once remarked that while he always felt confident that his written opinions would be accepted by the circuit court of appeals, he was always nervous getting them past Judge Solomon.

Judge Belloni had several major mass tort matters assigned to him, including Dalkon Shield and a 3000-case asbestos docket on special assignment in Hawaii. On major cases such as these, the parties, plaintiffs and defendants must set out in advance for the judge how they are going to prove their case and through what witnesses. The judge then determined how to efficiently manage the trial, including deciding which lawyers were best prepared and most efficient. Those lawyers went first so that the slower lawyers were at the end and had less impact on the trial's length. Judge Belloni didn't wait for lawyers to take objections on issues such as relevance; he would redirect the attorney without prompting from the opposing lawyer. He believed it was the business of the judicial system to ensure the case proceeded promptly to a just result and he made no apologies about taking control of a case in his courtroom.

Judge Belloni recalled handling cases ranging from Indian fishing rights, Vietnam era draft-dodgers, Indian water rights, environmental cases, airplane crashes, and asbestos cases. To get the Dalkon Shield cases moving forward, Judge Belloni set several dozen of the cases for trial very early on, over the attorneys' objections, believing it would push the cases towards settlement or completion before the manufacturers were all bankrupt. Ultimately, several of the cases were consolidated, tried before a jury, verdicts rendered, and many hundreds more cases settled with plaintiffs recovering damages. The chief judge of the District Court in Arizona took note of how swiftly Judge Belloni resolved the Oregon Dalkon Shield cases, and asked Judge Belloni to handle the Arizona cases, which he did. The attorneys in the Arizona cases decided to waive jury



The honorees included (from left to right): Hon. Ellen Rosenblum, Helen Burns, Hon. Virginia Linder, Hon. Betty Roberts, Katherine O'Neil, Hon. Mary Schroeder, Hon. Anna Brown, Hon. Betty Fletcher, Agnes Peterson, Diane Rynerson, Portland Police Chief Rosie Sizer, Hon. Elizabeth Perris, Hon. Trish Brown, Christine Helmer, and the Hon. Susan Graber.

2007 picnic honors women in the legal profession

The U.S. District Court of Oregon Historical Society Annual Picnic on August 19 enjoyed majestic gray clouds sailing across a late summer sky. Rain teased but never threatened and the 2007 picnic honored the accomplishments of women in the legal profession beneath the stately oaks of Judge Edward Leavy's family hop farm.

After enjoying conversation with old and new friends, and consuming some great barbecue, Society President Kerry Shepherd stepped to the stage to acknowledge many of the accomplished guests at the picnic. The acknowledgements included: Trudy Allen, compiler of Oregon women's legal history; U.S. District Court Judge Anna Brown; U.S. Bankruptcy Judge Trisha Brown; Helen Burns, wife of the late Judge James Burns; Marion County Circuit Judge Claudia Burton; Ninth Circuit Court of Appeals Judge Betty Fletcher; Ninth Circuit Court of Appeals Judge Susan Graber; Christine Helmer, first woman partner at Miller Nash, first woman elected to the Oregon State Bar Board of Governors; Hon. Virginia Linder, first woman elected to the Oregon Supreme Court; Joan O'Neil, first woman partner at Blank Kendall Tremaine Booth and Higgin; Katherine O'Neil, member of the ABA board of governors; Norma Paulus, first woman secretary of state; Chief Judge of the U.S. Bankruptcy Court Elizabeth Perris; Agnes Peterson, founding member of Oregon Women Lawyers, member of the Oregon State Bar Board of Governors; Hon. Betty Roberts, first woman appointed to the Oregon Court of Appeals and the Oregon Supreme Court; Oregon Court of Appeals Judge Ellen Rosenblum; Diane Rynerson, former executive director of OWLS; Chief Judge, U.S. Ninth Circuit Court of Appeals Mary Schroeder; Jacqueline Thomas, private practitioner in Estacada and FBA treasurer; Oregon Supreme Court Justice Martha Walters; and Kelly Zusman a lifetime, yet youthful member of the USDCHS.

trials, the cases were all tried to Judge Belloni in rapid succession, verdicts were again rendered and victims recovered damages just weeks before A.H. Robbins Company filed for bankruptcy in 1985. Thanks to Judge Belloni's swift handling of the cases, these women were some of the only injured plaintiffs to recover compensatory damages before the bankruptcy slowed and reduced the funds available to pay for damages.

Belloni took over as chief judge of the court when Judge Solomon retired.

While chief judge, Belloni worked with Judge Skopil to enact, then implement the new magistrates act passed by Congress in 1971, permitting the creation of magistrate judge positions to handle some aspects of the district court's case load. George Juba became Oregon's first magistrate judge, handling pretrial case administration, providing recommendations to the district court judges, and ultimately obtaining expanded powers with strong support from Judges Belloni

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Judge Belloni continued

and Skopil. Through their support and encouragement in the district, as well as with Congress, they were able to expand the magistrate's act, ultimately allowing magistrates to handle most aspects of civil and criminal cases. Judges Belloni and Skopil traded compliments, each calling the other the "father of the magistrates act."

Among his many famous cases, in 1969 Judge Belloni ruled in *Sohappy v. Smith* that regulation of the salmon fishing industry must take into account conservation of the fish stock, and that Indian treaty rights guaranteed Indians a fair and equitable share of the salmon destined for the usual and customary Indian fishing grounds. He retained jurisdiction over the case for several years to ensure the Indian fishing rights were respected. He recused himself once he concluded that government agencies and other parties were not respecting the court's decisions on Indian fishing rights, and he could no longer handle the case due to his bias. He recalled that when the Corps of Engineers said their mission in operating the dams on the Columbia River was to generate power, not to baby-sit a bunch of fish, to which Belloni responded, "That's where you are mistaken. From now on the Corps of Engineers is going to baby-sit a bunch of fish." Belloni admitted that it was frustrating for him to know that his decision was right, but face significant public opposition in the media as well as letters and calls to his office. He was heartened that years after his decision, which was never appealed, the media, fishing groups, and the general public almost unanimously acknowledged that his decision was right.

Towards the end of his interview in 1989, Judge Belloni discussed the federal court system and its case load. Belloni noted that the federal courts at all levels had a heavy case load. "At the present time the federal judicial system is in crisis. I kind of smile a little because this is written for historic purposes and if someone reviews this 100 years from now, I'm sure the courts will be in crisis then, too. The crisis will be of a different nature but they'll still be in crisis . . . [now] some courts are so burdened with criminal cases that they just can't take on any more civil cases."

Judge Belloni took senior status in 1984. He was 65 he and could have retired but didn't because "I can't think of anything that I'd rather do than try a complex civil lawsuit." He died in November 1999 at the age of 80.

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