

Spring Prologue

Taking pen in hand to write this, my first prologue as Chair of the *Experience* Editorial Board, brings a rush of memories. I am intensely mindful of my immediate predecessor—distinguished educator, profound humanist, and most of all, faithful friend—Bob Yegge. His life so tragically cut short by the cruelty of nature that many of our readers scarcely got to know him. I think especially of Chuck Collier—very much with us—who worked closely with Bob and whose talents as a lawyer and editor were so evident in our difficult transition following Bob's untimely death, never more so than in the production of our last issue, which bore the shadow of his imprint on each page. My gratitude goes out to all the members of our current Editorial Board and all those, living and dead, who over all the years of this valued publication have contributed to our success. Each of them, in diverse ways, has given abundant proof of the grace and gallantry of the human spirit in his and her commitments to improving our profession.

Speaking of the grace and gallantry of the human spirit, or perhaps of the resiliency and indomitability of that spirit, as you peruse this issue do not overlook Selma Moidel Smith's profile of Justice Betty Roberts, the first woman to serve on the Oregon Supreme Court—among a vast range of other notable accomplishments. Rarely in the history of this publication have a subject and an author been more felicitously conjoined, and to such fruitful effect. The reason for this outcome is not hard to glean. For each in her own life has brought not only talent but uncommon determination and perseverance in pursuit of worthy goals. Neither has ever been deflected by the negativity or artificial barriers facing women lawyers of an earlier time from reaching uncommon goals. Over the years all of us know how much we have been enriched by Selma's

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dedication to the work of this Division—including service as past chair of the Editorial Board. As for the subject of the profile, Justice Roberts, a recipient of a 2006 Margaret Brent Award, one excerpt from her acceptance speech at the award ceremony will give you an insight to her character and success:

Younger women want to know our stories. Not just the successes and accomplishments, but the tough parts too. We need to tell them about the rejections, defeats and losses as well as the rewards, the wins and the achievements. For it is the first that makes us strong and determined enough to try again and succeed.

In short, author and subject: two great women, a "profile" well worth reading and remembering.

Elsewhere in the issue you will find a timely and insightful tripartite series on perhaps the most ubiquitous designation in the current legal professional lexicon: the Of Counsel. Though it is of venerable provenance (if not antiquity), the vagaries and vicissitudes of present-day practice have seen the phrase assume highly variegated incarnations. Three accomplished members of our profession—well known to readers of *Experience*—provide both an arresting overview and a cautionary tale to all who embrace this designation in today's legal arena.

Our most recent past president of the ABA (and a former "prize" student of mine at Boston College Law School), Mike Greco, also appears in this issue with a succinct but eloquent plea for "Forgotten Colleagues": lawyers with disabilities who for one reason or another—either purposely or through benign neglect—are denied access to employment opportunities in our profession. A "must read" (with, hopefully, resultant action) for all of us.

Finally, among a number of other offerings well worth noting, Ted Kolb, in his



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Justice Betty Roberts Honored by ABA Commission on Women

By Selma Moidel Smith



Betty Roberts, the first woman to serve on the Oregon Supreme Court, is a mother of four who entered night law school at the age of 39, on the same day a daughter entered Stanford University.

Forty-four years later, on August 6, 2006, Roberts was recognized for her outstanding accomplishments when she received a Margaret Brent Women Lawyers of Achievement Award from the ABA Commission on Women at the Annual Meeting in Honolulu, Hawaii.

Roberts's political career began in 1964 when she was elected as a state representative in the Oregon legislature. Four years later, she was elected the sole woman in the state Senate. In 1974 she narrowly lost the Democratic gubernatorial primary, but her strong showing prompted the winner, Bob Straub, to appoint her in 1977 to the Oregon Court of Appeals, where she became the first woman judge. In 1982 she became the first woman to serve as an associate justice on the state Supreme Court with her appointment by Governor Victor Atiyeh.

Her life is remarkable for her persistence. She had completed only one year of college at Texas Wesleyan College at Fort Worth in 1941-42 before taking time out to raise a family of two sons and two daughters. She returned to her studies and earned her bachelor's degree in education in 1958 at Portland State University. She continued her studies at the University of Oregon, receiving her master's degree in political science.

"It was mid-August 1962, and I was sitting in the office of the chairman of the political science department at the University of Oregon," she recalls. "I'd come to talk about work on a doctoral program in political science." Despite her near-perfect grades, she was told that, at age 39, she was too old to pursue a doctoral degree. She recounts that they had never had a woman professor or woman doctoral candidate in political science. "There were no gender or age discrimination laws and no appeal process from his decision." Driving home, she says, "I swore a little, but my thoughts

Selma Moidel Smith is a past chair of the Experience Editorial Board and a past president of the Women Lawyers Association of Los Angeles. She has received the Lifetime of Service Award from the National Association of Women Lawyers and is the honoree of their annual Selma Moidel Smith Law Student Writing Competition.

turned to the night law school in Portland that I'd heard about." Her prior degrees and grades gained Roberts immediate acceptance at Northwestern School of Law (later part of Lewis & Clark College), where she earned her JD in 1966.

Her life is also remarkable for her ability to excel in more than one career role at a time. She continued her first occupation as a high school social studies teacher while earning her master's degree and while attending night law classes, as well as during her tenure in the Oregon House of Representatives. As a practicing lawyer from 1967 to 1977, until her appointment to the bench, she served as a college instructor in political science and business law.

Roberts devoted herself to the cause of education through public service and politics in addition to teaching. She served on the boards of her collegiate alumni associations and the board of a school for troubled youths, as an elected board member of her local school district, and as a member of the Governor's Metropolitan Area Commission on Higher Education. In 1975, she received the Education Citizen of the Year Award from the Oregon Education Association. In later years, she was honored for service and achievement by Portland State University, Oregon State University, and the University of Oregon. The culmination of her teaching career came in the years after her Supreme Court service when she served as a visiting professor at Oregon State University, holding the Dubach Endowed Chair in Political Science from 1988 to 1991.

Advancing the role of women in the law has been a chief concern for Roberts. She was a founding board member of Oregon Women Lawyers and served as president of the Oregon Women Lawyers Foundation. In 1992, she was honored as the first recipient of the Oregon Women Lawyers Justice Betty Roberts Award. This annual award "recognizes an individual who has made an outstanding contribution to promoting women in the legal profession and in the community," and is given to honor a person "who has influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the profession."

Roberts has also worked to advance the role of women in politics. She was a founding board member of the Women's Investment Network - PAC, an organization formed to help elect women to the Oregon legislature. For her work on behalf of women in politics, she has been honored by both the Oregon Women's Political Caucus and the Portland Area Women's Political Caucus.

On her retirement from the Supreme Court in 1986, Roberts served as a pro tem settlement conference judge by appointment of the chief justice. Her services were soon requested by lawyers who asked her to serve as a private mediator, and this led to a new career in alternative dispute resolution. In 1990, she attended a training course in judicial arbitration provided by Judicial Arbitration and Mediation Services (JAMS) and later entered into a contract with U.S. Arbitration and Mediation

Services of Oregon in Portland. Her cases have included such areas of law as medical malpractice, contracts, employment harassment, homeowners insurance policies, and gender and age discrimination.

Roberts particularly recommends mediation as a rewarding second career for senior lawyers. Although she has served as both a single arbitrator and a third arbitrator, she has chosen most recently to serve as a mediator. She says her experience has



shown that when the parties participate in the resolution of the dispute, they are far more likely to reach a successful settlement. Her efforts have resulted in a 90 percent settlement rate for her cases. Roberts also strongly encourages mediation training and continuing legal education for those working in this field.

Roberts is currently writing a memoir of her life and career, under the present working title, "With Grit and by Grace." The book is expected to be published in 2008 by the Oregon State University Press.

The ABA Commission on Women in the Profession presents Margaret Brent Women Lawyers of Achievement Awards to women lawyers and judges on the basis of their accomplishments and their role in opening doors for other women lawyers. Past recipients have included Associate Justices Sandra Day O'Connor and Ruth Bader Ginsburg.

In accepting the Commission's award, Roberts concluded her remarks: "Younger women want to know our stories. Not just the successes and accomplishments, but



the tough parts, too. We need to tell them about the rejections, defeats, and losses as well as the rewards, the wins, and the achievements. For it is the first that makes us strong, and determined enough to try again and succeed.

"We are here to recognize each other's own unique backgrounds, and to reaffirm our commitment to do what we can personally, and through our profession, to ensure that every individual has the opportunity to find his or her own amazing path through life." ■

"Younger women want to know our stories."