

## Jury Trial Experience Program Offers Valuable Opportunity to Interested Litigators

by Christine Sargent  
YLS CLE Committee



It is no secret that the prevalence of civil jury trials has been continually decreasing in recent years. This decline has been discussed in law review articles, research studies, and judicial opinions. New attorneys, particularly those who practice primarily in the civil world, have fewer and fewer opportunities to gain the experience they need to become the trial attorneys they often seek to become.

Civil and criminal attorneys practicing in Multnomah County need not lament this current trend, however. Both the Multnomah County District Attorney's Office (MCDA) and the Metropolitan Public Defender's Office (MPD) offer highly valuable programs that allow Oregon-licensed attorneys to gain real-world, practical jury trial experience while working as deputy district attorneys (DDAs) and public defenders. We recently had the opportunity to speak with Jenna Plank, one of the supervising attorneys at the MCDA who assists with the Jury Trial Experience Program, and Ed Carlson, a former participant of the program.

Multnomah County DDA, Jenna Plank, is a strong believer in the program. "Judges like to see civil attorneys who want to be good litigators. Understanding how the courtroom works and where the judge is coming from is really beneficial." The MCDA is one of the few opportunities to develop that understanding. For four weeks, with a minimum of 32 hours per week, participants work at the MCDA as DDAs. Participants generally work in the misdemeanor unit on cases that include assault, harassment, hit and run, trespass, failure to register as a sex offender, and interfering with a peace officer, among many other types of cases.

DDA Plank says, "If nothing else, any civil attorney is going to have a much greater familiarity with the bench here. That alone

goes a long way. Just having a familiarity with the judge is going to make the attorney way more comfortable. You get tons of facetime with the bench, which is sort of an invaluable x factor." This "x-factor" is highly valued in almost every field of litigation.

Ed Carlson, who recently completed the four-week program, highly recommends the Jury Trial Experience Project to anyone interested in getting into the courtroom. Carlson's typical practice outside of the MCDA's program includes commercial litigation, environmental litigation, and general business counseling. He had no previous criminal law experience. Carlson speaks highly of the MCDA's program. "It was busy; it was exhilarating; it was exhausting; and it was a lot of fun." He found that the attorneys were helpful and worked hard to ensure that he had a variety of cases. DDAs would provide helpful hints on strategy and tactics, including developing trial themes, managing witnesses, and providing guidance on proving up the elements of a crime, particularly the required mental state, and he says he had no bad experiences during his tenure.

To participate, applicants must be licensed to practice law in Oregon. Interested participants should consult the MCDA website and will need to submit a cover letter and resume. Applicants are also required to undergo a background check and drug test. Carlson suggests that interested attorneys should gain a decent working knowledge of the evidence code, since participants are likely to be handed a jury trial early on. Carlson says, "Be prepared to work hard, take the initiative, and make mistakes. Not all the cases you prepare go to trial, so that can result in an adrenaline crash."

Despite the diminishing number of cases that actually go to trial, obtaining the necessary skills and experience to try a case successfully are undeniably valuable. Among other advantages, a competent trial attorney can often generate better evidence prior to trial, and the threat of strong litigation skills significantly reduces settlement values. The MCDA's Jury Trial Experience Program is one available course of action that both experienced and newer attorneys can pursue to acquire these needed skills.

## YLS Director Nominees

Two three-year positions start July 1. In the event of a contested election, a ballot will be sent to members. Only YLS members may vote for YLS Directors.



**Nicole Watson Abercrombie** earned her JD from Notre Dame Law School and was admitted to practice in Oregon in 2014 and Washington in 2015. She is an associate at Cable Huston LLP

where she practices commercial litigation.

Nikki first became active within the YLS when she joined the CLE Committee in 2015, and was appointed as committee chair for the current 2017-18 programming year. She is also a member of the OSB MCLE Committee, serves on the OWLS Working Parents Subcommittee and is a member of the Gus J. Solomon Inns of Court.

Nikki enjoys spending time with her husband and daughter while exploring Oregon and the Pacific Northwest.

**Jason Pierson** is a graduate of the University of Oregon School of Law and was admitted to the OSB in 2015. He practices family and custody-related law at his firm, Pierson Family Law.

Jason is no stranger to the board, having served as a 3L Law School Representative on the



2013-14 YLS Board of Directors. He went on to join the YLS Pro Bono Committee, and presently serves as the committee's chair. He also participates in the YLS Imprint Program.

Outside of the MBA, Jason volunteers with the Children's Representation Project and is a member of the Clackamas County Bar Association. He is a proud husband, father, and step-father and enjoys spending his free time with his family.

## YLS Community Service Day

by Kimberly Fisher  
YLS Service to the Public Committee

On January 27, the YLS Service to the Public Committee organized volunteers for litter cleanup with SOLVE's 4th Saturday Cleanup in Northwest Portland. SOLVE is a nonprofit organization that brings Oregonians together to improve the environment and build a legacy of stewardship. SOLVE mobilizes one of Oregon's largest volunteer networks to clean up our beaches, parks, neighborhoods, and other natural spaces through litter cleanups, invasive plant removal, planting native trees and shrubs, and other environmental projects. To learn more about SOLVE or to volunteer, please visit [www.solveoregon.org](http://www.solveoregon.org).



Nalani Hennessey, Paul Judd, James Fisher, Kimberly Fisher, Jacob Goldberg, Noam Amir-Brownstein, and McKinley Fisher helped clean up the streets of Northwest Portland.

### mba yls|EVENT

#### Justice Trivia, Presented by the Campaign for Equal Justice and the MBA YLS

Thursday, April 12

5:30-7:30 p.m.

Kells Irish Restaurant & Pub  
112 SW 2nd Ave., Portland



Help support Oregon's legal aid programs by participating in this fun fundraising event. Christi Taylor of Miller Nash Graham & Dunn and Noam Amir-Brownstein of Vial Fotheringham, both from the CEJ Associates Committee, will be the co-hosts. Heather Weigler, who works at the Oregon DOJ and has won the Laf-Off Comedy Competition twice, will be the Trivia Jockey.

The suggested donation is \$10 to participate, or \$5 for law students and unemployed or legal aid attorneys. Pre-registration will be available soon at [www.cej-oregon.org](http://www.cej-oregon.org).

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