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 and public defenders. 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 completed the four-week program, highly recommends the Jury Trial Experience Program to interested attorneys. 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 challenging, 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 contact 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 traditionally go to trial, obtaining the necessary skills and experience to try a case successfully is undoubtedly 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.

Jury Trial Experience Program Offers Valuable Opportunity to Interested Litigators

by Christine Sargent

YLS CLE Committee

Judges should be comfortable with the bench here. That alone has a much greater familiarity among many other types of cases. Interfering with a peace officer, registering as a sex offender, and hit and run, trespass, failure to register as a sex offender, and interfering with a peace officer are included in assault, harassment, 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 challenging, 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.

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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 or to volunteer, please visit www.solveoregon.org.

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. Christie 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 Wegler, who works at the Oregon DOJ and has won the LaF Comedy Competition twice, will be the Trivia Host.

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.