

T R I A L

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Lawyer

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MAKING A
DIFFERENCE



Coming a Long Way



Paul Bovarnick

By Paul Bovarnick

The sound of bullets. Mary Beltran leaned back in her chair in May and remembered that sound. Her small office at Legal Aid in Billings, Mont., can barely contain the clutter of papers and the many pictures of her children and grandchildren. Mary tells me, “The sound of bullets whizzing by is one of my earliest memories. People were shooting at us as my uncle carried me on his back across the Rio Grande and into Texas.”

Mary shifts in her chair to get comfortable. Although she recently had hip replacement surgery, she looks no older than she did 20 years ago, when I first met her. Mary, perhaps more than anyone else, showed me then, and now, the power of law and lawyers to make a difference.

Mary Beltran is a Legal Aid lawyer in Billings. In her 67 years she has traveled from being the child of poor farmworkers to practicing law, representing those whose poverty often leaves them as defenseless as Mary herself once was.

I ask Mary to tell me how what led her to the law. Mary settles back in her

From migrant worker to Legal Aid lawyer

chair and pauses for a moment. And here she tells her story:

My family thought I was a rebel as a child. I always questioned what I was told. I couldn't understand why girls were told that they were to cook and clean. I decided that I would be a nurse. But when I was in sixth or seventh grade, I told a teacher of my dream. My teacher dismissed the idea and told me that I should do something with my hands. It really killed something in me.

Well, I went on to have a family. My husband, Nash, and I have eight children, and he has an upholstery business in Worden (a small town east of Billings). Taking care of my family took all of my time.

Then, in about 1980 a couple of my kids were docked a third of a grade for some minor infraction. I found out that this was happening to other kids, but only the ones who were Hispanic or poor and white. I thought this was very unfair, so I tried to organize some of the parents to get the practice stopped.

We began going to meetings, but teachers and school board members would not respond to our concerns. It seemed that we had hit a wall. Somebody told me about Legal Aid, and that they were free, so I called. The Legal Aid lawyer came to meet with us, and he told us what our rights were. He helped us come up with a strategy to force the school board to end the discipline policies that were really hurting

our kids. The fact that the Legal Aid lawyer listened and took me seriously helped restore the self-respect that was damaged by school officials who had been alternately hostile or patronizing.

I felt pretty good when we finally forced the school district to halt its shameful discipline practices. Still, I wasn't prepared when the Legal Aid lawyer offered me a job as a summer outreach worker. He asked me to come work with him, visiting migrant camps and helping to educate farmworkers. Even though I wanted the job, I was certain that I was inadequate, nothing more than a housewife with little education. I turned down the job, but I felt bad about it.

When the lawyer called again the next spring, I said yes. I was scared of failing, but I still said yes. It turned out that I loved the job. To the surprise of no one but me, I was good at it, too. I was inspired by the idea, new to me, that you could challenge farmers for refusing to pay wages and challenge the government for denying benefits or deporting family members.

After the summer was over, I began working for Legal Aid full time as a legal assistant. Then, the lawyers I worked for started nagging me to go to college. No one from my family had ever gone past high school. I was certain that would be a failure. Once again, I was the only one who was surprised when I made the Dean's List.

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I graduated from Eastern Montana College in 1987. I had seen the Legal Aid lawyers stand up for people that no one else cared about. They made a big difference in my life, just by doing some things that no one else would or could do. I wanted to make the same difference in the lives of others, too. Without telling anyone, I took the LSAT and was accepted at the University of Montana College of Law.

I arrived in Missoula in the late summer of 1987. I was terrified. I had never lived away from my family. Nothing that I had ever done seemed so difficult. I was sure that I was in over my head. The first two weeks of law school only made me certain that I was inadequate, and that I could never compete with the young, mostly white law students. In

desperation, I called Nash, my husband, and asked him to drive up to Missoula to take me home. Nash didn't say much, but he agreed to come.

Nash arrived a few days later. He had never discouraged me from working or going to college and law school, but he hadn't been too happy about it. He felt that my place was at home, taking care of the family. But what he told me in Missoula that day surprised me: He knew I could do it, and that if I dropped out I'd always hate myself. We talked for a long time. Nash left, and I stayed.

I graduated from law school. I went to work as a lawyer for Legal Aid in Billings in 1992, and I've been there ever since. I really love the work, and I care about the my clients, who are people who others never even think about. I feel that I can relate to them, and I am very committed to them. I do wage claims and administrative appeals, and I do trials occasionally. The trials are scary. The lack of funding and the frequent political attacks on Legal Services are discouraging. But I always remember what it is like to feel defenseless and powerless, to feel shut out of the system. I plan on doing this as long as I can.

I've known Mary for 20 years, and I've learned a lot from her. I don't see her too often—I don't get to Billings much now—but I often think of her. I've learned what real courage and perseverance are. I've learned the importance of seeing what I do through the eyes of my clients. Maybe the most important thing I learned from Mary Beltran is that the practice of law can change not only our clients, but us as well.

Paul Bovarnick's plaintiff's practice includes federal employers' liability act, personal injury, workers' compensation and employment cases. His office is at 1208 NW 25th Avenue, Portland, OR

600-ton Gorilla

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gadgets or paves highways. What good is that to Sharon Genasci and her neighbors?

Settlement talks preceded the summary judgment showdown. The penalties to Chevron could have exceeded \$20M. My proposed settlement enabled us to achieve objectives far more productive than a big penalty. The resolution of this case hinged on two things: monitoring the air to learn about baseline air quality and curtailing the emissions. The DEQ provided a catalyst for change. Suddenly, the agency deemed it advisable to promulgate new regulations that will require 95% capture rates by the summer of 2001. Twenty years of inaction has ended.

Chevron agreed to fund a scientific study of air quality in Northwest Portland to the tune of \$70,000 with the money administered through existing neighborhood offices set up by City Hall. The fee award provided about 30 cents on the dollar of my hourly rate, but exhilaration dominated my emotions as the case resolved in a flurry of faxes.

As I ran from the office on the day the settlement was confirmed, I realized the Oregon premier of Erin Brokovich was playing at 5:00 p.m., and I went to see it. The dramatization of corporate greed at the expense of public health is understated based on my recent experience. The public's unwilling exposure to toxic chemicals is one of the most compelling issues that lawyers can actually change.

This 600-ton gorilla case was a start.

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