

ARTIST OF THE PORTRAIT: WAYNE CHIN



Having returned recently from a visit to the magnificent John Singer Sargent exhibit in Washington, D.C., I jumped at the opportunity to write the art column in this issue of *Oregon Bench-*

marks and to meet a living portrait artist, Portland's own Wayne Chin. The 44-year-old Chin is the portrait painter of choice among the recent U.S. District Court judges up for permanent "enshrinement" on the walls of the Mark Hatfield U.S. Courthouse. For this interview, Chin invited me to the spacious studio he built himself behind the southeast Portland home he shares with his wife Jing, three children (ages 4, 1, and newborn), parents, and various visiting relatives.

The first work to be seen upon entering Chin's studio is a startlingly life-like charcoal sketch of Ninth Circuit Court of Appeals Judge Edward Leavy. The judge recently approved the sketch as the basis for his oil portrait. First, though, Chin has to figure out how to accomplish a somewhat challenging request: Judge Leavy wants his portrait to contain the seals of both the United States and Oregon courts, so as to acknowledge the important part both state and federal bench service played in his career. Given that Chin managed to capture the essence of two other judges—Hon. Helen Frye and Hon. Malcolm Marsh—while satisfying their personal requests, it should only be a matter of time before he achieves Judge Leavy's goal without detracting from the main subject. (The Frye and Marsh portraits now hang in courtrooms on the ninth and sixteenth floors of the courthouse.)

Chin's work has been described as closely resembling modern realist painters like Edward Hopper. That comparison is surprising, given that Chin's major influences as a young artist in China were Russian painters and French Impressionists. American art styles, he says, were not taught in China in those days. In Canton (now

Guangzhou), where Chin grew up, his father produced art for movie advertisements. After art school, Chin worked with him in the theater-poster business before coming to the United States in 1981.

Upon arriving in Oregon, Chin began his fairytale career by drawing during slow times in the kitchen of a Chinese restaurant in Estacada, where he was the cook. On weekends he set up a booth at Portland's Saturday Market, where he charged \$15 for charcoal sketches of passersby. He also plied his trade each year at the Rose Festival.

It didn't take long for Chin to be discovered. Restaurant patrons wanted to know more about this chef-cum-artist. Then, in the mid-eighties, a "fantastic" portrait of teacher Luann Soderstrom—drawn at a school sketching demonstration—brought Chin to the attention of architect David Soderstrom, who figured that any artist who could do so well at making a person come alive on canvas could do the same for a building. Though this was a new endeavor for Chin, Soderstrom turned out to be correct.

During the late eighties Chin also came to the attention of local portrait

artist Dick Wiley, who painted several earlier judicial portraits. Chin credits Wiley with being his mentor for many years and with being responsible for much of his commercial success.

Until recently, Chin worked full time for the Soderstrom architectural firm during the day and squeezed in time at night for painting—often after shopping and cooking for his family. Now on his own, he splits his 15-hour workdays between the precise "straightedge" work of architectural rendering and the more relaxing work of his portrait commissions.

Chin receives around \$6,000 for a large oil portrait. Each takes an average of 80 to 100 hours and requires essentially the same process: a brief interview and photo session; the creation of a black-and-white charcoal sketch from a composite of photographs; a color sketch; and, finally, the oil portrait. In addition to portraiture and architectural renderings, Chin has received honors for his impressionistic landscape paintings of local scenery, including Mt. Hood and the Columbia and Willamette rivers.

Any reader of this column who has not done so should set aside a few minutes to view the portraits of Judges Frye and Marsh. Particularly if you

are not a fan of the dark, somber school of portraiture, you are likely to love these portraits of our judges. Judge Frye, robed and standing at her desk, glasses in hand, in front of the Federal Reporters and bordered by the American flag, comes across with warmth, dignity, and intelligence. In an unusual speech delivered in the third person at the unveiling of the portrait in 1997, she remarked, "What does the woman think of this portrait? She thinks it is magnificent—that the artist, Wayne Chin, has captured her physical presence and the essence of her soul."

Judge Marsh expresses similar pleasure in describing his allegorical portrait. Depicted leaning against his chambers' cherry bookshelves in a relaxed, friendly pose, he is surrounded by treasures with special meaning to him: on the top shelf a wood statue of the Samaritan Woman that he purchased on a trip to Israel, representing faith; on the middle shelf a black-and-white photograph of his wife Shari, representing marriage and family; on the lower shelf the scales of justice; and beside him the flag, representing the state and nation. A dark suit sets the judge off perfectly from the rich, but lighter background. However, it is the incredibly lifelike hands and face that make this portrait so captivating.

How does Wayne Chin know he is finished with a portrait? His response is as simple as his work is complex: "When I feel good about it—and when the subject likes it."

We thank Judge Rosenblum for writing this column. Our regular columnist, Antonia DeMeo, is currently in Chisinau, Moldova, working with the ABAs Central and Eastern European Law Initiative.



I recently met with Judge Helen Frye in her expansive yet homey, plant-filled chambers in the Mark Hatfield United States Courthouse to talk about how her life has changed since she took senior

status in December 1995. What I learned was not surprising. Judge Frye carries far more than the 20 percent caseload necessary to justify retaining staff after going "senior." In fact, in what appears to be somewhat of an Oregon tradition among its federal judges, she doesn't appear to relate much at all to the concept of retirement. "I never really thought about people ending the work part of their lives," she told me. "I just don't have that much to do at home. My life has been involved with my career to a large extent."

During most of her career on the bench, Judge Frye had a family to raise—first her own children and then, while on the federal bench, her granddaughter, whom she adopted when the child was three.

"It wasn't easy," she says. "I had to keep a very rigid schedule. I took her to a day care center at 7:30 or 8:00 and she stayed there until I picked her up." That set the pattern that Judge Frye still maintains—of recessing at 4:30. If Hedy got sick, a grandmother who lived in the neighborhood would help out. The secret of her success, she believes, has been her ability to organize all the disparate parts of her family and work life. "I like organization," she says, "it goes with my personality."

Today, Hedy is a 22-year old junior at the University of Oregon. Judge Frye's husband died a number of years ago, so there is no one at home except the dog she inherited and her three cats. She works Monday through Thursday and sometimes half a day Friday, arriving a little later than she used to, which gives her some "extra grooming time," something she values (a legacy from her English grandmother). The nature of her assignments has remained the same except that she has asked not to be assigned patent cases due to their scientific complexity.

Judge Helen Frye Talks About Retirement

By Ellen Rosenblum

"Any case but a patent case!" Leisure hours are taken up walking the dog about an hour a day in her Garden Home neighborhood and going ballroom and swing dancing on weekends with her dance partner. On the horizon some day might be a trip to Paris, where her son lives. "But I'm not crazy about traveling," she says.

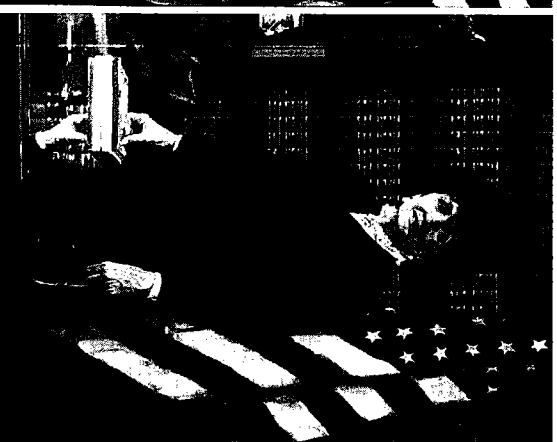
Call her a workaholic, but that's hardly surprising for a woman who was the first—and for her nearly nine-year tenure—the only woman judge on the state court in Lane County and the first and—until Ann Alken's recent appointment—only woman judge to serve on the U. S. District Court for Oregon.

Asked about her historic status as the first woman federal judge, Judge Frye was remarkably humble and matter-of-fact. "I don't think about it very often. I was honored and very pleased when President Jimmy Carter nominated me and I was confirmed by the Senate to be a federal judge." What seems much more important to her is to be thought of and remembered "the same as any judge...a fair judge, someone who is impartial, accommodating...not dictatorial or demanding."

Along with Judge Frye's change in status came the big move from the old Gus Solomon Courthouse to the sleek new Hatfield Courthouse. When I asked her about how the two buildings compare, she lit up. "One of the real joys of my life has been being in this beautiful courthouse. That building was a very wonderful building at one time, but it is—just antiquated!" We adjourned the formal part of our meeting and, along with her clerk of 16 years, Patricia Wlodarczyk, recessed to the first-floor cafeteria, where it was obvious that Judge Frye is a regular. After ordering her daily fare of a fresh green salad and a fruit salad, she returned to the table and gleefully announced that we had been asked to "taste test" a new dessert, a marshmallow-krispie type treat with chocolate chips. The verdict was



Wayne Chin's portraits of Hon. Malcolm Marsh and Hon. Helen Frye.



ORAL HISTORY NOTES

BY CAROLYN M. BUAN

The Early History of Lane Powell Spears Lubersky

This historical account concerns the earliest years of the Oregon (Spears Lubersky) portion of the firm that is now Lane Powell Spears Lubersky. The current firm was formed in 1990 through merger with a Seattle firm (the "Lane Powell" portion).

In 1962 and 1967, respectively, two longtime members of the Oregon firm tried to recapture its history—sometimes disagreeing about the facts and both berating themselves for not finding out more before the founders and early lawyers died. Nevertheless, their first-hand accounts, based on conversations with those early firm members, give a fascinating picture of Oregon's early legal profession.

Andrew Koerner believed that the firm began when W. D. Fenton (later Judge Fenton) came to Portland in the late 1880s or early 1890s and built a practice that the firm's founder, Ben Dey, worked for before helping establish Dey, Hampson & Nelson in 1918. Some three years before that date,

Fenton had suffered a mental breakdown, and when the breakdown could no longer be concealed, Dey prevailed on him to form the firm of Fenton, Dey, Hampson & Fenton to fight off attempts by other firms to "pirate his law practice, especially representation of Southern Pacific Company." Besides Dey and W. D. Fenton, the new firm's partners were Alfred (Al) Hampson, who had worked for one of Portland's leading lawyers (Frederick Holman) and W. D. Fenton's son Kenneth, a football hero and recent Yale Law School graduate who died as the new firm was being established. After Kenneth's death, the firm became Dey & Hampson.

(According to Frank McCulloch, however, Dey and Hampson worked first with Omar Spencer, a small-town boy from Vernonia and a Stanford University graduate, in the firm of Spencer, Day & Hampson. This, said McCulloch, was really a "moonlighting venture," which Spencer opened in St. Johns in order to raised enough money to get married—the \$75 a month he was drawing as an associate with Carey & Kerr being insufficient for that purpose.)

After Dey & Hampson was established, the two men succeeded in retaining much of W. D. Fenton's representation of Southern Pacific Company, which involved a huge number of cases and required the services of a trial lawyer. The man chosen was Coy Burnett, who stayed with the firm only a short time and was replaced with Roscoe C. Nelson. Dey, Hampson, and Nelson, said

Koerner, complemented one another perfectly in ability, temperament, and ability to work together. Dey was tall, good looking, and "a great business getter." Hampson had a brilliant legal mind, was a stickler for knowing right from wrong, and pulled no punches with either colleagues or clients. Nelson was a brilliant and able lawyer, classically trained and "the best storyteller that Portland ever had." He was also generous to a fault, and often would win his case but feel sorry for the plaintiff and give him money out of his own pocket. In 1919 these three men were joined by Clarence Young and in 1920 by Paul P. Farrants, George Buland, and Koerner.

The firm began from offices in the Yeon Building, also the location of Southern Pacific's uptown offices. Some 10 years later, both the firm and Southern Pacific moved to the Corbett family's Pacific Building.

In the 1920s a number of lawyers joined the firm, among them Henry Cabell, Robert Kerr, and Herbert Swert. Then on January 1, 1930 Ben Dey left the firm to become chief counsel for Southern Pacific in New York, taking George Buland with him as his assistant. That year Richard R. Morris joined the firm, followed somewhat later by Jim Dezendorf, William Maguire, Roscoe C. Nelson, Jr., and Frank McCulloch. In 1937 Roscoe Nelson, Sr. died, and a year later Maguire, Dezendorf, Morris, and McCulloch were made partners; but within a week of making partner, Maguire had died of pneumonia. John Gearin joined the firm in 1941.

During the Great Depression, "the primary object," said Koerner, "was to hang on. There were no acquisitions or mergers. We had many foreclosures, and for 6 or 7 years we handled the receivership of the Richfield Oil Company." In the war years that followed, on the other hand, "business immediately started to boom and there were no young lawyers available." As a result, many cases were settled rather than tried.

In 1946 Al Hampson died and with his death came the end of an era. With the coming of Frank Spears at war's end, a new era began.

Carolyn Buan is the editor of Oregon Benchmarks.



Early Firm Members. (Standing, from left) Roscoe Nelson, Sr., Clarence Young, Herbert Swert, and Andrew Koerner. (Seated, from left) Ben Dey, Al Hampson, George Buland, and Paul Farrants. The photograph was taken sometime between 1925 and 1930.

At the University of Oregon Law School, he met Alfred T. Goodwin, who ultimately became chief of the Ninth Circuit Court of Appeals. The two men were in the same class and became friends. Both served on the *Oregon Law Review*, with Goodwin as editor-in-chief.

Being a Lawyer and Judge in Myrtle Point

In the years after law school, Robert Belloni built a thriving trial practice in Myrtle Point, won a seat as a councilman, became mayor, and joined the Coos County Democratic Central Committee. As chairman of the committee, he met Wayne Morse, who would later figure prominently in his appointment to the federal bench, and Bob Holmes, who would become governor of Oregon and appoint him Circuit Court judge of Coos and Curry counties—a post Judge Belloni held for 10 years.

In 1957 juvenile and probate matters were transferred from the County Commissioners' office to the Circuit Court, and as junior judge, Belloni took on those cases. "I never wanted to be a juvenile judge," he later said; "it just sounded like a kind of dumb job to me, but when those youngsters started coming before me and you realized how much in need they were and because of their age, 13 and 14, so often you knew perfectly well those kids could be rehabilitated if you could just figure out some resource or some wisdom or some friend or some source to get...help." At the time, he discovered that Maclaren School for Boys in Woodburn was the only place to send them and he felt that "we needed to somehow or another keep these kids closer to home."

After about five years, Judge James Norman became the junior judge, taking up the juvenile cause with vigor, and the two men spoke at community functions about the need for a juvenile facility. At the time it seemed that no one was listening. But in 1967, when Judge Belloni was appointed to the United States District Court, community members met with Judge Norman and decided to build a boys' ranch and call it the Robert C. Belloni Boys' Forest Ranch. In his oral history, Judge Belloni said "Well, it probably should be named the James A.

Norman, because he did more work than I, but he's the one that named it for me...." Judge Belloni considers the Boys' Ranch one of his greatest achievements.

An Appointment to the U.S. District Court for Oregon

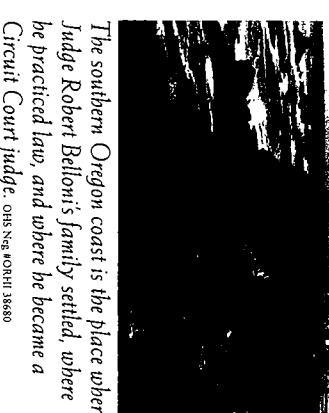
Judge Belloni credits former Oregon Senator Wayne Morse for being instrumental in his appointment to the federal bench. After being on the state bench for about nine years, Judge Belloni read in the newspaper that Judge William East was taking senior status for health reasons and wrote a short letter to Senator Morse, saying that he was interested in the position. "I never will quite know for sure why he settled upon me as the one that he favored," said Judge Belloni. "I know that I was doing a good job in the county where I was working and around the state, where I was promoting a lot. I did a volume of quality work and he knew that. We were never, either before that time or after that time, close personal friends. We were friends in the political sense that I believed in what he was doing and he liked what he saw in me, I guess."

Judge Belloni also admitted he was nervous about the confirmation hearings. "I knew about Judge Solomon's experience. Judge Solomon spent two or three days on the witness stand giving his own testimony and having people testify that he was a member of the ACLU, this Communist group, and [laughing] he was opposed by some people who should have stayed out of it." However, the confirmation process went smoothly. Senator Sam Ervin, after hearing the attorney general's presentation on Judge Belloni's qualifications, joked "Why don't you bring these kinds of people over here all the time." Senator Morse then forced an early vote for the confirmation so that it would happen on April 4, 1967—Judge Belloni's forty-eighth birthday.

Almost immediately upon taking his position with the court, Judge Belloni



Sgt. Wayne Morse
OHS-NS-ORNH 7388



The southern Oregon coast is the place where Judge Robert Belloni's family settled, where he practiced law, and where he became a Circuit Court judge. OHS-NS-ORNH 3880

found himself with a very heavy caseload, trying complex cases. He was also afraid of Judge Solomon: "While I was happy to be on that court," he said, "I knew that Judge Solomon must be really a rascal and that I wasn't going to have anything to do with him except polite conversation and a very formal professional relationship. Well, it took him about an hour and a half to completely charm me. He turned out to be one of the best friends and one of the closest friends I ever had...."

The Belloni Legacy

Over the years, Judge Belloni handled many cases involving Native American rights, the most well-known of which was *Sohappy v. Smith*, 302 F. Supp. 899 (1969). He described the case as a "big contest between all the fishing groups, Indians, the sports fishermen, the commercial trollers out in the ocean, the gillnetters at the mouth of the river...they were really in a battle over who was going to catch the last fish in the Columbia River system." He found that the government's treatment of Native American fishing rights was in violation of the United States treaty and held that Native Americans were entitled to a fair and equitable share of the fish. The decision dramatically altered the way states had been handling Native American fishing rights and received a great deal of press, not all of it complimentary. Judge Belloni was later required to settle disputes under his ruling, and for 12 years, he joked, he "was more or less the fishmaster of the Columbia River."

Probably the greatest impact the

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