

Oregon BENCHMARKS

THE U.S. DISTRICT COURT OF OREGON HISTORICAL SOCIETY NEWSLETTER

"I'm always learning on the job."

Long-time Oregon Bankruptcy Judge Donal Sullivan

By Adair Law

This article is based on an oral history of Judge Donal Sullivan conducted by Adair Law. The oral history was completed in Summer 2004 for the U.S. District Court of Oregon Historical Society, and is accessible to the public at the Oregon Historical Society.

When I met Judge Donal Sullivan in May 2004, I knew that his would be the first oral history from a bankruptcy judge in the U.S. District Court's collection. From my interview preparation, I was aware of the range of his accomplishments. But I hadn't expected to meet a man with such a self-effacing manner. At one point during an interview, I asked Judge Sullivan what were his aspirations when he became clerk of the court in 1965. His dry, but laugh-provoking response was, "to survive."

Youth and Urban Education

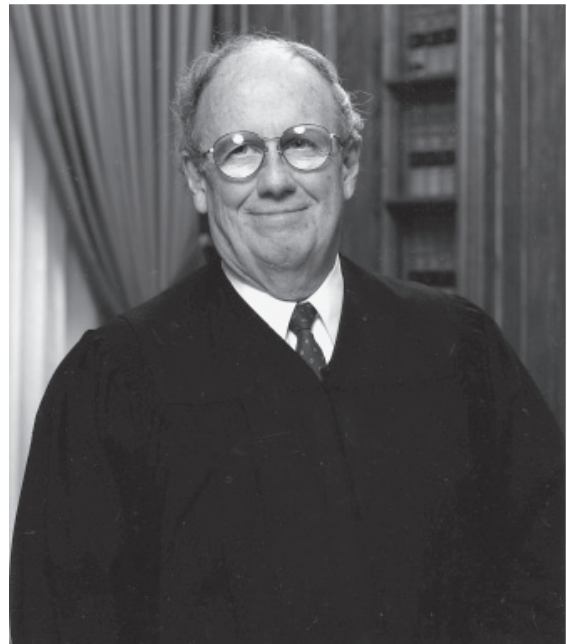
The second son in a family of four children, Donal Sullivan was born in 1931 into an Irish Catholic family in St. Louis, Missouri. His father, James Joseph Sullivan, was a Purple Heart veteran of World War I. Wounded in the Argonne, he went on to attend St. Louis University where he studied accounting and met his future wife, Maureen McGovern. Born at a time when his father was out of work, Sullivan recalled, "In those days they didn't have unemployment. They had what they called relief, and I never knew what relief was, other than it was a very disgraceful thing if you went on relief. And I had relatives who did. And my dad, of course, took the view that he would rather die than go on relief." In the mid-1930s, his father found work in Philadelphia in the intelligence division of the IRS. Their objective was to find fraud and his father liked to refer to himself as a "detective with a pencil."

The family moved to suburban Philadelphia in the late 1930s and then to Chicago. In talking about his youth, Sullivan remembered, "In Chicago I got my early training as a city kid. We lived in a highly urban area, apartment houses. I would say it was a

lower-middle class area. I went to a local Catholic school on Chicago's north side. There I got my early training in how to defend myself when there are all kinds of competing people and influences." There were four children in the Sullivan family, James, Donal, Maureen, and Kathleen. Their apartment was five blocks from Lake Michigan, and Sullivan recalled the pleasures and perils of his youth. "I spent a lot of time on what they call the 'Rocks' on the north side of Chicago, which is an area composed of breakwaters, big boulders....No lifeguard, of course, so you either learned to swim or you drowned."

His younger sister Kathleen contracted polio in the summer of 1943 and the Sullivan children were quarantined. "The health people would put a sign on your front door, which meant visitors were not

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Judge Donal Sullivan became a bankruptcy referee in 1969.

President's Message



There are great things going on with your historical society! I am very pleased to announce that the U.S. District Court of Oregon Historical Society has received a generous contribution from the **Attorney Admission Fund** that will support new oral histories, the addition of video to six histories taken previously and contribute to the **History Makers picnic on August 14** that Judge Edward Leavy is organizing with such zeal.

While summer is a chance to relax for some, we offer opportunities to get more involved in the work of the Historical Society.

On **July 21**, our **Oral History committee offers a workshop for volunteers** interested in conducting oral histories. The workshop is 1:30 – 4:30 p.m. at the Mark O. Hatfield U.S. District Courthouse. This is a wonderful way to preserve history and there are many histories we would like to add to our collections.

I've already mentioned our annual picnic on August 14, but this year we will be honoring World War II veterans who are members of the Bar. Judge Leavy has also made a special effort to invite past and current members of the Oregon Congressional delegation, Oregon Supreme Court justices, former Attorneys General as well as past presidents of our organization. There are even rumors of a band and an honor guard!

On June 23, the Society co-hosted the well-attended Summer Associate event (*see details on page 5*).

On **September 29**, Prof. Ron Lansing of Lewis and Clark Law School will present his research on the 1850 Whitman Massacre Trial, the basis of his book *Juggernaut*, for our fall Famous Cases presentation.

You can add our **annual meeting on Thursday, October 28**, and if you are not afraid to look hard at your calendar, you might notice that we are offering activities each month between May and October. Who knows, you might become a part of history by helping us to preserve it.

—John Dunbar, President

Judge Sullivan cont.

to come. My father would have to leave groceries at the door and stay somewhere else. But then they relented. It went on for that summer. They closed the beaches in Chicago, which in the hot summer is the one source of relief, particularly to kids." His sister recovered and he remembered it as an exciting summer. "You know as a young kid, you learn how to read, how to make due with what you have, and how to stay out of your mother's footsteps."

He attended Loyola Academy. The captain of the swimming team, he later spent his freshman year at Loyola University on a swimming scholarship. He

had a range of jobs through high school, including one as a replacement milkman, driving a milk truck for vacationing milkmen. He remembered, "It was a good job, it paid well, but it was a tense job because what you were doing was trying to find customers from the back alleys of Chicago." He also recalled a golden summer in 1950 as a lifeguard on the beaches of the Chicago: "The pay was good, and just all of those things that you can imagine were a young man's dream." Sadly, it was about to be a dream deferred.

Military Service and College

His brother James got out of the Marine Corps in 1949. He advised his younger brother that a good way to avoid the draft was to sign up for the

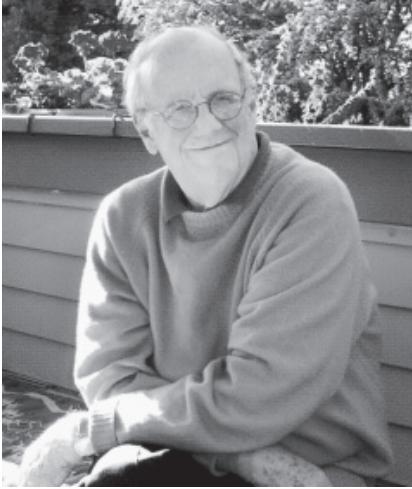
reserve. Sullivan signed up and at the end of summer in 1950, he received a call from a friend, telling him to hurry down to the reserve office and resign, because as the Korean conflict was heating up they were about to freeze all resignations. Sullivan didn't make it down in time and was told that he would be shipping out to Camp Pendleton. He remembered that his initial response was "I'm not going" but he soon realized he had to go. He left on a very slow train, without a great deal of money, "...which again, as part of my education, I quickly lost, gambling. I can still hear the rattle of dice hitting the wall on the train."

Sullivan arrived in Korea in the early months of 1951. His ship docked in Pusan, and as a member of the 7th Marines, he was assigned to a graves registration unit. Their job was to recover casualties and if they couldn't recover them, they mapped where the body could be found. He spent nine months in Korea. His Chicago "urban education" stood him in good stead in the military: "One of the survival skills that you learn is, keep your mouth shut, or think about what you're going to say before you say it and the consequences of it.... That carried me through in the Marines."

Sullivan returned to Chicago and studied law at DePaul University. The GI Bill covered many of his expenses but he worked other jobs. He found a good-paying night job as a printing press paper handler while in school and it taught him "that I wanted to graduate very badly, because I didn't want to do this the rest of my life." Sullivan joined the law review at DePaul and was chosen to be editor. While in law school, he met his future wife, Marilyn Johnson, a graduate of Northwestern's Wesley Memorial Hospital's nursing program. They were married February 1957, a month before he took the Illinois bar exam.

Stepping Westward

Sullivan met some Seattleites in the Marine Corps, and discovered that "people from the Northwest were worse than Texans when it came to



Judge Donal Sullivan relaxing at home.

bragging about where they were from....they were so sure that the place that they were from was the best place in the world, and they were insufferable.” He wanted to leave Chicago. Prior to his marriage, he visited a Marine Corps friend living in Seattle who owned a house. Sullivan asked him where he got the down-payment money and learned that he might be eligible for some combat pay. On his wedding day, a \$550 check arrived. They went west and Sullivan remembered, “After an interlude of paradise, the world started seeping in. We left San Francisco and stopped in Portland, and I said, ‘Let’s give Portland a try.’ I don’t know whether I was serious or not serious, but I registered for the bar and took the bar exam in Portland.”

He passed the Illinois bar exam, but practicing in Illinois was always Plan B. Oregon Supreme Court Justice Robert McAllister was looking for a new law clerk for just four months. Sullivan got the job and through his work with Justice McAllister, he got to know Justice Hall Lusk, who took him on the following year. Hall Lusk had been the principal lawyer on the Supreme Court case *Pierce v. Society of Sisters*. Sullivan remembered Lusk as a very modest man, but they did discuss the case.

In the late 1950s, Oregon went through a series of corruption scandals. While in law school Sullivan read about Oregon as “The subject of the Kefauver Committee, the Senate

Rackets Committee, and Bobby Kennedy was counsel for that committee....the Senate Rackets Committee had subpoenaed Terry Schruck to testify and Schruck took the Fifth Amendment, which was regarded really as an admission of some kind of guilt. I really don’t think it was. This made headlines back in Chicago, of all places.”

The district attorney of Portland was removed. Sullivan felt that it wasn’t justified. Compared to what he knew of Chicago, “they didn’t have institutional corruption and I couldn’t understand why the people in Portland would be so upset about things that people in Chicago just accepted as routine. So the result was that the district attorney’s office was in disarray, in disrepair.”

Leo Smith was appointed district attorney. “Leo was a practicing lawyer in Portland and the Multnomah County District Attorney’s Office was in disarray. Most of the assistants had

walked out. The Sheriff’s Department, which had been accused of everything under the sun, would not come up to the fifth floor [the district attorney’s floor].... I remember I was shopping for jobs and one of the fellows at a larger firm said, ‘If you get an opportunity to go to work for the district attorney’s office, don’t take it, it’s bad.’ Needless to say, I needed a job badly. And I loved working for the DA’s office.” Sullivan had become friends with George Van Hoomissen (future Oregon Supreme Court Justice) and Dave Robinson, Jr. (future law professor at George Washington University) who preceded him in the district attorney’s office. “They recommended to Leo Smith that I was a person who was badly in need of a job and I might be dumb enough to take it.” Sullivan took the job and was thrown into court. He recalled, “The first time I

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Be sure to mark August 14 on your calendars!



Music, egg races, water balloons, ponies, barbeque and more! Join the fun on August 14.

History Makers Picnic

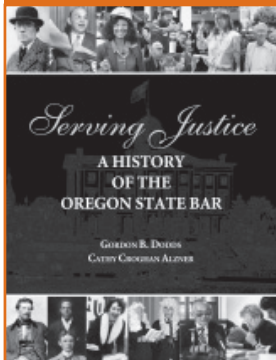
You won’t want to miss the **Sunday, August 14, 1 p.m. to 4 p.m.** annual picnic of the United States District Court of Oregon Historical Society!

Plans for the picnic at the Leavy hop farm near Champoeg Park are well under way. Invitations have been sent to the Oregon State Bar Veterans of World War II, the Mississippi volunteers for the Lawyers Committee for Civil Rights Under Law, Oregon State Bar presidents, governors, U.S. Senators, Oregon Supreme Court justices, U.S. Congressional representatives, U.S. attorneys, Oregon attorneys general and other Oregon history makers. The response rate has been terrific and we hope you will join us as well.

If you are interested in attending this free event, *please RSVP to Linda Sherry at 503-326-8151 or sherry@ord.uscourts.gov.*

Our thanks to the Federal Bar Association, the Attorney Admission Fund, Williams, Kastner & Gibbs, and the American Board of Trial Advocates for their generous co-sponsorship.

ON OUR MEMBERS' BOOKSHELVES



**Serving Justice:
A History of the
Oregon State
Bar, 1890-2000**
By Gordon B.
Dodds and Cathy
Croghan Alzner
Oregon State Bar,
2004

Reviewed by Mary
Ellen Farr

Serving Justice chronicles the Oregon State Bar from its beginnings to the present. The late Gordon Dodds, a co-author of the book, was a supporter of the United States District Court Historical Society, a devotee of Oregon history, and a long-time professor of history at Portland State University. Members of the bar owe him a debt of gratitude for his interest in our organization.

The book focuses on the state bar as an organization and, in particular, the role of the state bar's activities "with a public dimension, ones that help its members serve justice." The book discusses the development of civil rights laws, the effect of war on justice, and the participation of women and minorities in the legal community. The book is most interesting when commenting on the past history of the bar. It provides an interesting discussion of the 1891 development of the voluntary Oregon Bar Association and its transformation into the Oregon State Bar, an integrated bar. The first president of the Oregon Bar Association offered the following list of concerns to practicing lawyers in Oregon: the relationship of legal education to the practice of law; legal ethics; excessive litigation; disrespect for judges; appeals to opinion to influence litigation; and contingency fees. Other issues of concern to bar leadership included the efficient and effective organization of the court system, compensation of judges, and the position of the judi-

ciary in bar leadership. These issues are, of course, the same ones which shape much of the dialogue among members of the bar today.

Similarly, in the 1930s, although the bar was a small, relatively close-knit world, one lawyer from the period commented, "It was cutthroat back then; there was no cooperation among lawyers, they would enter defaults against one another and perjury was the order of the day."

The book is at its most moving when discussing the participation of minorities in the bar and the dedication of some bar members to attaining minority rights. *Serving Justice* talks at length about the Japanese in Oregon during and after World War II, including a description of the long-fought case of Minoru Yasui, a lawyer who challenged the internment of the Japanese. It notes the number of people who supported President Roosevelt's Executive Order, and chronicles Yasui's lengthy legal entanglements because he did not believe the government had the right to intern him based on his racial background.

As the book enters more recent history its contributions become murkier, no doubt because the authors and contributors lack distance from the subject. The chapter on "Progress and Turbulence: 1964-1979" covers "one of the most turbulent eras in twentieth-century American history." Yet much of the chapter documents more mundane bar activities,

dealing with internal staffing of the bar (including discussion of dissent over hiring of executive directors), the role of the board of governors, changes in the annual meeting, publications, discipline, unlawful practice of law, CLE, and similar topics. None of these topics seem to reinforce the book's stated focus on those aspects of the legal profession which relate to attaining justice. On the other hand, some personal recollections add a dimension to the book that documentary history cannot attain. One example, dealing with the relatively mundane structural subject of specialization, is Judge Panner's anecdote about his participation in the debate in favor of specialization. He recalled, that a friend who had driven an antique hearse to the bar convention, noted things weren't going well for him and arranged to have him taken away from the site of the debate in

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Top: The first Board of Governors in 1935. Below: The 1980-81 Bar Examiners mirrored the growing diversity of the Bar.

HISTORICAL SOCIETY MEMBERSHIP DRIVE

By Kerry J. Shepherd

Membership in the U.S. District Court Historical Society has increased *nearly 20 percent in 2005!* This “dramatic” percentage gain is nominal when considered in context, however. There are 12,457 active members in the Oregon State Bar, and nearly 4,000 in the Multnomah Bar Association. In contrast, there are just 540 lawyers on the Society’s mailing list, and only 140 have paid dues for the current year. While membership is up when compared to prior years, we have a long way to go.

Every lawyer who practices within the Mark O. Hatfield Courthouse should participate in preserving the history of the court. Your membership in the society supports recording the oral histories of those judges who have given so much of themselves through service on the bench. It’s about keeping in touch with federal judges and your peers, staying abreast of current events significant to the court and practitioners alike, meeting your CLE requirements with thought-provoking and entertaining programs, educating yourself about the Court’s most significant and historical cases, and having fun, too. The Hon. Owen M. Panner, a staunch member on the Executive Board and a great ambassador for the Society’s cause, had this to say about membership in the Society:

“Membership in the USDC Historical Society keeps you up to date on what is going on in Federal District Court and gives you a look at it’s history, the judges and the lawyers who are active in Oregon. There’s humor and info in Benchmarks plus social activities and legal information. The annual picnic and the annual dinner meetings are a must for lawyers. Its educational and fun!”

The Society needs your help to fulfill its mission. If you currently are a member, please recruit others within your firm or organization. The yearly dues are nominal and the benefits are great. If you are not a member, email KerryShepherd@MHGM.com or by phone at 503-295-3085.



Clockwise, from top left: Judge Owen Panner, summer associate, and Jenifer Johnston, USDCHS vice president; summer associates with Susan Pitchford (far right); summer associate with Karen Saul; Camille Hickman, acting clerk of the court and Linda Sherry, executive assistant to clerk of the court, and Judge Anne Aiken discussing issues with attendees.



Summer Associate Program 2005

On Thursday, June 23, the Oregon Federal Bar Association and the U.S. District Court Historical Society gave 127 first- and second-year law students an opportunity to learn more about federal practice. The event started with lunch and a panel discussion that included Judge Ann Aiken, Magistrate Judge Donald Ashmanskas, Chief Judge Ancer Haggerty, Magistrate Judge Dennis Hubel, Judge Garr King, Judge Edward Leavy, Judge Michael Mosman, Judge Owen Panner, and Magistrate Judge Janice Stewart. Assistant U.S. Attorney Kelly Zusman served as moderator for the discussion.



Summer associates enjoying sun and camaraderie

After lunch, associates had a choice of courtroom proceedings to observe including Judge Ann Aiken in a civil trial, Judge Garr King in a civil motion, Magistrate Judge Janice Stewart’s criminal calendar, and Judge Owen Panner with an entry of plea. Several associates commented on how informative they found courtroom procedures. Following that, they spoke with Houston Bolles, courtroom technology specialist, about courtroom technology and to Camille Hickman, acting clerk of court, about the Court’s electronic filing system. The afternoon wrapped up with a tour of judges’ chambers and discussions with judges. This led seamlessly into the Bench and Bar Social on the sunny ninth floor terrace.

Many thanks go to program organizers Susan Pitchford and Chelsea Grimmus for their hard work, to Karen Saul for her work on the social and to Jenifer Johnston as chair of the events committee. Thanks also to Nancy Moriarty for taking pictures.



Judge Sullivan *cont.*

ever saw a jury case, I was trying the case. Now, that doesn't say much for our system, but you learn fast."

Sullivan went on to a job with Oregon Attorney General Bob Thornton. As part of his work, Sullivan represented public utilities, which he found to be exciting. "In those days, the publicly-owned power forces vs. the privately-owned power companies were at each other's throats!...The publicly-owned people would accuse the private utility people of being money grubbers. The private people would accuse the public people of being Communists, which of course had some resonance in those days.... So I sort of rode the cusp of that."

An opportunity to move from Salem to Portland came through David Robinson. Robinson had been hired by Sid Lezak (Oregon's U.S. Attorney, 1961-1982) and he recommended Sullivan to Lezak. Sullivan went to work as an assistant U.S. Attorney. "I think I spent some of the happiest times of my life in the U.S. Attorney's Office. Mainly, if you take the job, any job seriously, there's a certain amount of comfort in trying to do it right....I did almost all criminal work. I had some wonderful big cases....It fed a young ego." Sullivan served as assistant U.S. attorney from 1962 to 1965.

Work with the District Court

After the Clerk of the Court, Keith Burns, left the position, Judge Gus Solomon offered the job to Sullivan. In 1965, the clerk's position paid almost \$18,000 a year, which Sullivan recalled as being "big bucks," almost doubling his pay in the U.S. Attorney's office.

Sullivan knew that Judge Solomon, Chief Judge at the time, liked him. He remembered that each of the district judges, the Chief, Judge William East and Judge John Kilkenny, "was a committed individual. And they weren't afraid. They would have conferences and they would frequently disagree on things, and of course it was understood it would never get outside of the

office. Some of their disagreements would get quite hot."

Sullivan served as clerk of the court 1965-69. During that time, the court heard many draft resistance cases. Sullivan recalled, "Solomon had a hell of a time being on a draft case. He didn't believe in the war and so when he had draft offenders, he went through a certain amount of personal anxiety in treating the war cases. But, he would make the announcement that the draft protestors at any time could elect to go into the army or to submit to the draft board and the charge would be dismissed....the policy was to encourage people to submit to the draft."

"...He didn't like to sentence anybody for doing something that I'm not so sure that he didn't admire. But he did. And it was a dark period for him. He didn't mind sentencing some tax chiseler, but he did mind sentencing some 18-, 19-year-old kid who in other respects was a good person, and who didn't agree with a war that I don't think Solomon particularly agreed with. But he did it....these were dark times for the district court because Judge East was in the process of retiring on disability. Judge Kilkenny had gone to the Court of Appeals, so it was really down to one judge, Judge Solomon just being alone. And then Judge [Alfred] Goodwin came in. But there was a period of time that Judge Solomon was the only person running the district court. And I think it weighed pretty heavily on him."

While he was clerk of the court, the court wanted to expand to another position and Sullivan was very active in putting together the statistical justification to Congress to increase the number of district judges. Judge Solomon was overworked and in keeping up with the criminal cases, could not avoid a backlog of civil matters. As the court clerk, Sullivan became very active in trying to keep the ship afloat, in the civil sense.

Bankruptcy Court

In 1969, a new opportunity came Sullivan's way. Appointed in 1936, the

well-known and well-respected bankruptcy referee, Estes Snedecor, was in his mid-eighties. Judge Solomon had a question for Sullivan.

"I'll never forget the conversation. It went something like this: 'Snedecor is going to retire. I promised you the job. Do you want it?' He never promised me a darn thing!...And again this was the story of my life, I had never had any connection with bankruptcy, and I had never seen any cases even in court. Like my jury trial experience, where my first jury trial I was trying a case, my first exposure to bankruptcy, I was a judge. And they did it this way in those days. Solomon, who knew a lot about bankruptcy from his private practice many years before, figured I'd do well on the job." Sullivan suspected that the district court wanted to avoid too much "jockeying" for the position that a public disclosure of Snedecor's retirement would have triggered. Judge Solomon preferred to announce Snedecor's retirement and replacement simultaneously. Sullivan suspected that the reason he was tabbed for the job was that he was probably "One of the only people that nobody had any great dislike for."

Sullivan was 39 and believed he could learn anything fast. He spent many nights reading, studying, and getting all the advice he could. He went back to the Federal Judicial Center, still in its early days, and spent a week working very hard.

"My biggest horror, I didn't want to embarrass myself, let alone embarrass the court in doing something stupid. And the bar, the bar was good. They tolerated me. So I went on." One of Judge Sullivan's early tasks was to close a case that had started with Estes Snedecor in the 1930s, the reorganization of PEPCO, the precursor holding company that evolved into PGE.

New Bankruptcy Code

Sullivan had been a referee for 10 years when the bankruptcy code changed. "When the 1979 Act came along, everybody had to read from the same book. That meant the experienced lawyers had to learn the new

code. From my standpoint, it was a relief, in a sense, that I had as much experience with the new code as anybody in town.”

Judge Sullivan believes bankruptcy is a necessary tool in a free enterprise system. “You have to have a humane system. Whether you like it or not, the country’s going to have people who can’t make it, or don’t make it. And the reasons they don’t make it vary. I think that most people work for wages. Personal tragedies, personal things happen in people’s lives. Not everybody can be homogenized into the perfect economic man.”

“I think we have a reasonable system to deal with unreasonable problems. And the most essential part of the system is visibility.”

Pre-1979, a typical bankruptcy would have many legal problems and the way the bankruptcy referee resolved the legal problems depended on the deployment of a range of principles. The new code was intended to clear up the jurisdiction over how and who would decide legal problems. Judge Sullivan described the change in his role this way: “Prior to 1979 you could sit back and try and play orchestra leader. After the new code was adopted you found yourself in the pit....my job as a bankruptcy judge under the new code, was to decide legal problems. And that got me out of dealing with the first meeting of creditors....So, the new code was a good change. It made life a lot easier for me. And I think, without losing the visibility that was so essential to any judicial system. So now the judge, besides being a referee of many people, became more of a judge under the code. And your problem there is, as a judge it was not unlike the district court problem. You keep the calendar moving, and your job is to decide, produce decisions, and to do it as expeditiously as you can....bankruptcy court, and whether it’s a trial of an adversary matter or if it’s a first meeting of creditors, is not a happy place to be. And not only that, it’s the first cousin to the divorce court, to the criminal court....I felt you had to approach it with a broad view of life in general.”



Judge Donal Sullivan with his wife DeDe at last year’s annual meeting.

When talking about chapter 11 bankruptcies in general, Judge Sullivan described them this way. “I’d have my first pretrial conference, and I’d ask ‘Fellows, what’s your plan? When are you going to have it? What are you going to do about this? What are you going to do about that.’ And again, this discussion occurs in open court with the other people there. Sometimes you’re rather lucky, you can just sit back and let the other guy ask all those questions. A reasonable disposition of unreasonable things can occur if you do it right and if you do it respectfully. By ‘respectfully,’ you’ve got to respect the parties, the lawyers....You listen.... Oregon has some very, very fine bankruptcy lawyers and they work hard and they know what they’re doing and they give a damn. From the standpoint of a judge, [this] makes life much more pleasant....It’s not my job to come up with business solutions to business problems. But it is my job to make sure that the people concerned in those problems do their homework, and do their best to come up with a solution themselves, if there is any....And I guess a good chapter 11 is generally not filed

unless the operator, or the debtor, has a plan. And if he doesn’t have a plan it’s his lawyer’s fault, because before he files, his lawyer should have a good idea where he’s going to go.”

Judge Sullivan was an innovator in imposing rule 16 procedures on chapter 11 bankruptcies. He noted, “A chapter 11 business bankruptcy isn’t all that much different from a high-priced civil complaint in the district court. [The idea is] to get the people in, talk about it, and work out how it should be resolved and who should do it and that sort of thing as early as you can, because time truly is money in a business chapter 11....that system [of setting rule 16 conferences] was not generally accepted. In the evolution of judicial procedure, that used to be the attitude in the district court under the civil rules.”

Judge Sullivan presided over many memorable cases. In the 1982 Dant and Russell case, he ruled that creditors should be paid first when there are cleanup costs imposed by environmental regulations. In 1988, a professor at the University of British Columbia wanted to see if U.S. laws could be used to reorganize a Canadian company. Sandman Inns was primarily a Canadian company with motels in Ontario but they had one U.S. property in Portland. They filed for chapter 11 in Portland. “It was a situation where it was literally possible to do what this professor wished to do. But one of the most important things in chapter 11 is you have to have at least some support among your creditors. One of the things you don’t do is offend where you get your capital, the banks.” The Canadian

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CALENDAR

July 21: Oral history workshop, Mark O. Hatfield District Courthouse, 1:30 to 4:30 p.m.

August 14: Annual U.S. District Court Historical Society Picnic. See page 3 for more details.

September 29: Famous Cases—Professor Ron Lansing discusses the Whitman Massacre Trial, 4 to 6 p.m.

October 28: Annual Meeting and dinner. Details soon.

Judge Sullivan cont.

lenders saw the filing in Portland as an assault on their territory. There was a big trial. Judge Sullivan recalled “Technically, it could be done. But it could not be done if you didn’t have the support of the lending community.”

Continued Connections

The circle of Judge Sullivan’s family has changed through the years. He and his wife Marilyn had three children, Mary, Michael and Ann. Marilyn died in 1984 after surgery to correct a previously unknown brain condition. He later married Carol O’Kane in 1988, who passed away from breast cancer in 1990. He married DoLoris McLaughlin in 1997. Judge Sullivan retired in 1997 and was recalled in 1998 and 1999 and remains involved with the bankruptcy court. A life-long swimmer, he also enjoys travel and keeping in touch with his extended, inherited families.

Serving Justice cont.

the hearse. In Panner’s words, “We were, after all, near death!”

There is a lack of critical analysis in the modern periods covered in the book. There seems to be an assumption that all of the activities of the bar must be correct because they were done. The book concludes with the statement, “By the end of the millennium the Oregon State Bar had embraced diversity with all its prickly issues and was poised to evolve into an association that served Oregon’s new population dynamics in order to better serve justice.” Although one might hope such a thing were in fact true, the statement is a bit too self-congratulatory. As noted at the beginning, many of the issues facing the bar at its inception (including such basic issues as judicial compensation and respect for the judiciary) continue to face the bar. One might have hoped for a more critical analysis of the present state of the bar which would engender discussion about how progress can continue to be made.

Serving Justice, The History of the Oregon State Bar is illustrated with over 250 photographs and illustrations and contains special sections on the tent shows of the 1950s and 60s and the bar’s outreach activities. Hardback is \$50, soft cover is \$35. It is available from the Oregon State Bar.

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