

OREGON / 2011

Super Lawyers®

SUPERLAWYERS.COM

THE ANNUAL LIST

The Top Attorneys in Oregon

INCLUDING:
RISING STARS

ENVIRONMENTAL ATTORNEY
DON HAAGENSEN



THOMSON REUTERS

and the publishers of



A GREAT WAY TO FIND GREAT ATTORNEYS

PICTURED ON THE SUPER LAWYERS COVER

No project is too big, as far as environmental attorney Don Haagensen is concerned. He spent nearly four years handling legal work for the relicensing and rebuilding (to the tune of \$130 million) of Swift Number 2, the hydroelectric project on the Lewis River. Though Haagensen, with Cable Huston Benedict Haagensen & Lloyd, didn't originally set out to be an attorney, his background in oceanography with the Coast Guard was the perfect backdrop for a career in environmental law. He is one of the many exceptional lawyers listed in this *Super Lawyers* special advertising section.

PHOTO BY MICHAEL JONES

READ MORE ABOUT THIS ATTORNEY AND OTHERS AT: superlawyers.com/oregon/articles.html



COMING IN AUGUST OREGON SUPER LAWYERS MAGAZINE DIGITAL EDITION

The digital edition of *Super Lawyers* magazine offers the full editorial content of the printed magazine in a new, convenient format.



AVAILABLE FOR IPHONE, IPAD AND ANDROID DEVICES.

Note: The list was finalized as of June 3, 2011. Any updates to the list (for example, status changes or disqualifying events) will be reflected on superlawyers.com.

If you need a lawyer, *Super Lawyers*, a Thomson Reuters Service, is a handy resource. We've designed *Super Lawyers* to provide you with information that will help you begin your search for legal counsel or check on a lawyer who's been recommended to you.

In creating *Super Lawyers* (and *Rising Stars*, our listing of top attorneys who are 40 years old and younger or who have been in practice 10 years or less), we perform the type of due diligence that a highly motivated and informed consumer would undertake if he or she had an abundance of time, energy and resources—the very things that are in short supply in most people's lives. *Super Lawyers* does the footwork for you, and presents you with a list of outstanding lawyers in more than 45 areas of practice.

First, we ask lawyers across the state to name the top attorneys they've personally observed in action. We also perform our own research to find outstanding attorneys who may have been overlooked by their peers. Once we have our candidate pool assembled, we assess the background, credentials and experience of each lawyer. Specifically, we look at 12 indicators of peer recognition and professional achievement—things like experience, verdicts and settlements, transactions, clients, honors and awards.

The lawyers are then evaluated by a blue ribbon panel of peers within their primary area of practice. Before final selections are made, we divide the lawyers by firm size and choose the top lawyers from each group until we have a list that represents 5 percent of the lawyers in the state (*Rising Stars* lists are limited to 2.5 percent). This ensures that you have options from all types of law firms—large, medium and small.

Finally, we check the discipline record of each lawyer prior to publication. For a more detailed description of the selection process, visit superlawyers.com.

So how do you use *Super Lawyers*? We list the lawyers by practice area. Find the practice area that pertains to your particular legal needs. Lawyers listed in red have purchased profiles that are located on the indicated page. The profiles provide you with useful information about a lawyer's background, experience and credentials.

You can also search *Super Lawyers* online by practice area and location at superlawyers.com. This section can be a great resource for you, but remember: *Super Lawyers* is a tool to help you search for a lawyer, but it is not a substitute for doing your own homework. Do not rely exclusively on this, or any other list in selecting counsel.

If your lawyer is not listed, don't take this as a sign of mediocrity. Only a small percentage of the lawyers in the state are selected for inclusion on our lists. That being the case, many excellent attorneys are not named. *Super Lawyers* is simply one indicator of peer recognition and professional achievement.

A final word: You may wonder whether lawyers pay to be included. The simple and unequivocal answer is no. Lawyers do not and cannot pay to be included, and advertising has no bearing on selection to the list (in fact, ads are not sold until after final selections are made).

We hope you find *Super Lawyers* helpful. If you have any suggestions on how we might make this section or our website more useful, or if you want to recommend a lawyer for inclusion, contact Cindy Larson, director of research and editorial, at cindy.larson@thomsonreuters.com.

DISCLAIMER: THE INFORMATION PRESENTED IN *SUPER LAWYERS* MAGAZINE IS NOT LEGAL ADVICE, NOR IS *SUPER LAWYERS* A LEGAL REFERRAL SERVICE. WE STRIVE TO MAINTAIN A HIGH DEGREE OF ACCURACY IN THE INFORMATION PROVIDED, BUT MAKE NO CLAIM, PROMISE OR GUARANTEE ABOUT THE ACCURACY, COMPLETENESS OR ADEQUACY OF THE INFORMATION CONTAINED IN THIS MAGAZINE OR LINKED TO SUPERLAWYERS.COM AND ITS ASSOCIATED SITES. THE HIRING OF AN ATTORNEY IS AN IMPORTANT DECISION THAT SHOULD NOT BE SOLELY BASED UPON ADVERTISING OR THE LISTINGS IN THIS MAGAZINE. NO REPRESENTATION IS MADE THAT THE QUALITY OF THE LEGAL SERVICES PERFORMED BY THE ATTORNEYS LISTED IN THIS MAGAZINE WILL BE GREATER THAN THAT OF OTHER LICENSED ATTORNEYS. *SUPER LAWYERS* IS AN INDEPENDENT MAGAZINE PUBLISHER THAT HAS DEVELOPED ITS OWN SELECTION METHODOLOGY. *SUPER LAWYERS* IS NOT AFFILIATED WITH ANY STATE OR REGULATORY BODY, AND ITS LISTINGS DO NOT CERTIFY OR DESIGNATE AN ATTORNEY AS A SPECIALIST. STATE REQUIRED DISCLAIMERS CAN BE FOUND ON THE RESPECTIVE STATE PAGES ON SUPERLAWYERS.COM.

© 2011 *SUPER LAWYERS*®, A THOMSON REUTERS BUSINESS. ALL RIGHTS RESERVED.

Man of Science

From Coast Guard icebreakers to hydroelectric projects, Don Haagensen, with Cable Huston Benedict Haagensen & Lloyd, takes on knotty problems

INTERVIEW CONDUCTED AND EDITED BY BETH TAYLOR

PHOTOGRAPHY BY MICHAEL JONES

Q: I understand law was actually your second career choice?

A: During my junior year at college, [I] took a government civil service exam. The form came back and it said: You've qualified for these kinds of jobs, and where would you like to work? At that time I was going to college in Idaho, so I checked everywhere ... except Idaho.

[There were] two positions working for the United States Coast Guard in their oceanographic unit in Washington, D.C. for the summer, and part of your summer would be to go on one of their cruises. I said, "Oh, sure, sign me up." I did that the first summer after my junior year, and then I was hired after my senior year to work for them. It was a military civilian unit. The first year ... I flew to Thule, Greenland, and got on an icebreaker. The oceanographic unit would do observations ... to try to predict how icebergs would move and break [to help] with shipping. Then, second term with them, I went on an icebreaker, the *Northwind*, and we flew to Nome [Alaska] and then took a small bush plane to Port Clarence [Alaska], where we caught [the] *Northwind* off the Alaskan coast and did the same kind of thing with the oceanographic unit.

Q: Sounds like you always had an interest in science.

A: I was a zoology major in college. Coming from Idaho, I didn't know

anything about the ocean at all. These wonderful jobs in Washington, D.C., working for the Coast Guard ... got me interested in oceanography and marine biology. I applied to graduate school [in marine biology] and got accepted to the University of Miami. After my first year at Miami, I lost my [military] deferment; it was when they reclassified everybody. I then went into the Coast Guard for about 3 ½ years. ... Then I went back [to school] and I'd decided that I didn't want to continue in marine biology.

Q: Why not?

A: I liked the research part, but I didn't want to be a teacher, and most of the occupations that would have been available were teaching-type occupations. I stayed in the Reserves and I didn't like the weekend duty once a month, so they let me augment in an active-duty unit in downtown Miami. It was a marine safety office [with] a bunch of lawyers who did inspections of ships. Because I had a science background, they let me help them look at environmental impact statements and things that came into the office that had a little bit of a science bent to them. That got me interested in what lawyers did. I was still in graduate school, so I started sitting in on law school classes at U of Miami and decided that I would become a lawyer and try to combine the science background with the legal profession.



Q: What was your military service like with the Coast Guard?

A: I learned a lot. I was put on the U.S. Coast Guard cutter *Rockaway*, which was an oceanographic ship. We did some of the first tests for satellite navigation. They brought these huge computers onto our ship, and we had to hold the ship perfectly still when the satellite came over once a day because, if it rocked at all, it would throw the computer out of whack, it was so sensitive. As an ensign, a brand-new officer, I was put in charge of the oceanographic department on the ship because I had this background. So I had 17 to 20 people I was put in charge of ... and most of these people were older than I was. I was stationed out of Governors Island, New York, which is a little island off the tip of Manhattan [where] they trained marine



science technicians and weathermen. I went to that school as the assistant to the guy who was in charge, and then he left and I got put in charge. So the Coast Guard time was a great learning, stretching, stressful time for me, because I had a lot of responsibility at a fairly young age.

Q: Where did you head after law school?

A: I had worked out here in Portland the summer after my second year in law school as a clerk for Schwabe, Williamson & Wyatt. I'm from Idaho and my wife was from California. We just knew the West Coast, and I ended up interviewing at a bunch of different places, and I just liked the people at Schwabe who I was going to work with. So when they offered me a job, I accepted it. I worked there from 1977 to 1990. [We] were

called natural resource attorneys back then. We had, actually, in our group more energy work. There wasn't that much natural resource/environmental-type work, but I was one—because of my background—who got to do that. Gradually, over time, I drifted to where all I did was natural resources and environmental law.

Q: Were you born in Idaho?

A: I was born in Vancouver, Washington. My dad worked in the shipyards during World War II. I was only there till I was about 2; then we moved to Idaho. My dad and his brother, who had been in the service and got out, opened an ice cream shop in Weiser, Idaho.

Q: Must have been fun for a kid.

A: Oh, yeah. That was back in the days

when you could walk all over town. Weiser wasn't a very big town, so I got to walk down—from my earliest memory—to the ice cream shop and be spoiled by my dad and the people who worked there. It was a really fun town. I had a bicycle, like every kid did, and went to the movies on weekends and rode all over town ... and delivered newspapers. My mom would pack a lunch for me—you can't do this kind of thing these days—and I'd ride around all day and come back in the evening.

Q: What did you learn from your mom and dad?

A: They were both very honest and my mom was particularly straightforward. She always said what she thought, so I knew when I'd done wrong and knew when I'd

done right. They were both very diligent, very hardworking people. My dad had a job but, at the same time, every night he'd come home, he'd work in the yard or work in the house. My mom always had a huge garden.

Q: You've been at your current firm since 1990.

A: There were three of us—Larry Cable, Jim Benedict and I—who left Schwabe and joined with a couple of other people we knew to form the firm we have now. Larry's practiced, I think, six years more than I have, and Jim's practiced one year more than I have, so the three of us hung out a lot together and talked a lot together. They were always good sounding boards.

Q: What's one of your most interesting cases?

A: We got hired by Public Utility District Number 1 of Cowlitz County, Washington. They have the hydroelectric project on the Lewis River called Swift Number 2, and I got hired to help them with relicensing. You get these licenses from the Federal Energy Regulatory Commission [FERC], and they're generally for 50 years. The project was built in '58, so the license was up for renewal. We got hired to help with some endangered-species issues. We got into that partway, and in 2002, the embankment, or dam, at the facility collapsed—did a huge amount of damage—and so we're in the middle of relicensing the project at the same time we're trying to reconstruct the project. You have to get a separate authorization from the Federal Energy Regulatory Commission, so you have two paths going at the same time. They had a lot of insurance, but after negotiations, one insurance company agreed to pay and we ended up in litigation with the other three insurance companies. An upstream facility owned by another party ... made a bunch of damage claims with us that we had to settle ... and then, at the same time we were getting the new license, we had to actually get the project reconstructed. It ended up probably costing about \$130 million to rebuild. It took about 3 ½ to four years.

Q: A long process.

A: You first had to figure out why the failure occurred, and then you had to figure out how you would address what made it happen, and then you had to figure out how to reconstruct the project. We ended up, through settlements and litigation, getting an insurance company to pay for virtually all of it, settled things with the upstream utility, and then—during this process—got a new 50-year license.

We had a celebration at the end, a big party at our house. We invited the consultants, the board members and everybody. Two of the [main] people had died. One [man] had been on the board ... and the lead person for the contractor who was designing the project had [also] died. So the head of the Federal Energy Regulatory Commission, the regional engineer and I thought we would have [this] party and do something to kind of memorialize these two people. We wrote a song, believe it or not, called "The Ballad of Swift Number 2." We used the *Gilligan's Island* theme song, and so we wrote this song about Dick Harlan and Dick Fotheringham. We had a picture of a dam with two people standing next to it, ironically, and so we did these little handouts for their wives that everybody there got to sign and write what they remembered about them and working on the project. ... And so the other person from FERC and I got up and we sang this song. We each sang a verse, then everybody joined at the very end, singing about these two exceptional men.

Q: Do you ever find that your concern for a client clashes with your concern for the environment?

A: At a smaller firm, you can kind of decide exactly what you want to do and who you want to represent and how you represent them. I have turned down clients; there are people I've chosen not to represent because I didn't feel like it fit with my philosophy. The people I represent, I tell them how I feel comfortable approaching something, and if they don't feel comfortable approaching something the way I [do], then you figure it out pretty early on. You can still have an environmental ethic, or you can have a conservation ethic, or you can have an ethic about doing the right thing in representing someone who's developing something or building something or permitting something or reconstructing a hydroelectric project.

Q: What is your philosophy toward environmental projects?

A: You have a client who has certain things it wants to have done, and you just need to do those in a way that reflects all the values that will be impacted by whatever the goal is, whatever the project is. Environmental values are part of that; human values are part of that; social values. And then it also has to, if it's a hydroelectric project ... generate electricity at a reasonable cost that the utility can supply to its customers.

Q: Do you have any advice for law students?

A: The first advice is to make sure it's something you really want to do and [that] you really understand what it is, because three years in law school and the investment both in time and money is a huge investment. I've always advised people in high school who talk to me about "Well, I want to be a lawyer" or people in college [who say] "I want to be a lawyer" to try to go to lunch with lawyers; go to breakfast with lawyers; get a job as an assistant in a law firm if you're a college student where you can be around lawyers, see what lawyers do, to see if it's something you really want to do. Don't decide something just philosophically or academically; decide it based on having done it, as best you can.

Q: What gets you out of bed?

A: Mostly, it's doing a good job for a client. It's having a client that—you know, most of the stuff is fairly complex or fairly difficult, at least for me it is—it's knowing that the client needs the help to solve the problem or to get through this issue. There's satisfaction in being able to help them get to where they need to go or help them solve a knotty problem. **■**